

**A CRITICAL EXPLORATION OF CHANGES TO THE  
INVESTIGATION OF HOMICIDE IN ENGLAND AND WALES FROM  
THE 1980S TO THE PRESENT DAY**

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## **Abstract**

The six-year investigation by West Yorkshire Police to apprehend Peter Sutcliffe, the Yorkshire Ripper, in the late 1970s and early 1980s was roundly criticised and led to a public inquiry that called for wide-ranging changes to homicide investigation. With a history already marred by corruption and miscarriages of justice, it was a pivotal case, which triggered a process of reform that has continued to the present day. Yet, flawed investigations continue, suggesting that the investigation of homicide remains fallible. Moreover, the homicide detection rate has declined since the 1960s. Despite this, homicide investigation is a topic that has been subject to minimal academic scrutiny. This study addresses this gap by exploring how and why the investigation of homicide in England and Wales has changed since the 1980s and what has been lost and/or gained as a consequence.

Adopting a qualitative approach, the research is based on in-depth interviews with twenty-seven former and serving homicide detectives, the analysis of three police murder files from the 1980s, 1990s and 2000s, and observations of homicide investigation and detective training. Original documentation from the Yorkshire Ripper investigation was also examined.

This research has established that homicide investigation has changed almost beyond all recognition across the last four decades. This is the consequence of four central drivers: a growing preoccupation with risk; the changing political economy; reactions to miscarriages of justice or problematic cases; and advances in science and technology. The impact of change has been considerable and whilst there have been benefits, today's more risk averse homicide detectives face new challenges that are compounded by cuts to police budgets and prioritisation of other crimes such as terrorism.

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## **Chapter One**

### **Introduction**

In 1981 Peter Sutcliffe, a lorry driver from Yorkshire in England, was arrested for the murders of thirteen women and attacks on seven others (Bilton, 2012). The arrest of the man, known as the Yorkshire Ripper, signalled the end of a six-year investigation by West Yorkshire Police that had been beset by criticism. The Byford Inquiry that was established to review the investigation identified problems in numerous areas (Byford, 1981). In particular, limitations within the Major Incident Room (Byford, 1981), which had been overwhelmed by the volume of information that the inquiry had generated, were identified as leading to missed opportunities to apprehend Sutcliffe (Wattis, 2017). The investigation was also hampered by the lack of a computerised system on which to store the masses of information (Byford, 1981).

The extensive recommendations that emerged from the Inquiry heralded an important moment in major crime investigation, for its changes have “governed all major crime investigations since” (Brain 2010, p63). This was the first time that homicide investigation had come under considerable scrutiny and reform, but it would not be the last. Over the past four decades major crime investigation in England and Wales has been subject to almost continual change. However, high-profile miscarriages of justice and cases in which police work has been criticised cannot be considered the preserve of the past and continue to occur.

#### The Need to Pursue all Lines of Enquiry

Widely regarded as one of the most heinous crimes, homicide attracts a significant amount of academic, media and public interest (Brookman *et al.*, 2017a). Whilst the media are undoubtedly interested in all forms of crime, there is a tendency to focus upon those that are particularly violent and serious in nature, especially homicide. Reiner (2007) writes that this has been the case for many years.

As such, the public are equipped with a “degree of knowledge about personal and social phenomena of which very few...have ever, or are ever likely to experience” (Innes 1999, p272). Further, homicide is considered to be a ‘signal crime’, which is defined by Innes (2013, p52) as an event that will “impact in some way upon a wider audience”. It is because of this, Stelfox (2015) argues, that the public hold high expectations about the way in which



the police deal with these crimes, something that will undoubtedly be fuelled by the prevalence of documentaries following homicide investigation teams<sup>1</sup>. These expectations are not always met. The flawed investigations into the murders of Stephen Lawrence, Damilola Taylor, Holly Wells and Jessica Chapman are examples.

Despite this, homicide investigation and detective work remain relatively neglected by the research literature (Brookman and Innes, 2013; Stelfox, 2015). There are several potential explanations for this. Firstly, the number of homicides perpetrated in England and Wales is among the lowest in the world (Brookman *et al.*, 2017b) with the Office for National Statistics (ONS) reporting that for the year ending March 2016 there were 571 cases of homicide recorded (ONS, 2017); thus it might be said that more prevalent crimes warrant attention. Secondly, the detection rate for homicide suggests that the police are successful at investigating them; according to Brookman *et al* (forthcoming) in England and Wales that rate has been around 90% since 2000. This is partially attributable to the fact that the majority of homicides in England and Wales can be described as ‘self-solvers’ whereby the offender is swiftly identified (Innes, 2003). However, the detection rate has declined from an average of 94% during the 1960s (Brookman *et al.*, forthcoming). Thirdly, methodological challenges might prohibit those who wish to research homicide investigation, which Brookman (2015, p236) describes as a “closed world”.

Whilst there are notable exceptions (Allsop, 2012; Brookman and Innes, 2013; Brookman *et al.*, forthcoming; Hobbs, 1988; Stelfox, 2015), these works focus on particular aspects of homicide investigation. Allsop (2012) examined police cold case investigations, Brookman and Innes (2013) explored what constitutes success in a homicide investigation and Hobbs (1988) looked at detective culture. Some research has aimed to explore change. Stelfox (2015) writes about the development of homicide investigation to identify where savings might be made in light of funding cuts, stressing that an understanding of the public expectation in respect of homicide investigations must be maintained. In his book exploring why changes in policing have taken place, Savage (2007) suggests that failings in major crime investigations have been responsible for driving change. These works, however, are not empirically grounded. Moreover, much of the empirical research that has been conducted

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<sup>1</sup> At the time of writing ITV aired a documentary following Northumbria Police as they investigated a murder. Entitled ‘An Hour To Catch a Killer’ it might be said that this could influence public expectations about the realities of investigating homicide and the timescales involved.

originates in the US (Brookman, 2015) rather than England and Wales. In addition, this research is often quantitative as opposed to qualitative.

Evidence of the necessity for such research is easy to find. In addition to certain cases starkly illustrating that major crime investigation remains imperfect, the police service has experienced significant budget cuts (Her Majesty's Inspectorate of Constabulary (HMIC), 2014) and there are shortages in the number of detectives (HMIC, 2017). This illustrates the importance of including a present day perspective.

Homicide investigation is in need of closer attention. Yet, what has not been achieved by the existing literature is a qualitative exploration of the changes to homicide investigation in England and Wales that begins when major crime investigation was placed under the spotlight and continues to the present day. This would ensure an understanding of the consequences of change, and what they might mean for the future of these investigations.

### The Present Research

This research explores the changes that homicide investigation has endured and how they have impacted upon investigations and detectives, using a qualitative approach. Former and serving homicide detectives were interviewed to gain insight from those working on the ground. Analysis of homicide case files, including original paperwork from the Yorkshire Ripper investigation, and observations of investigations and detective training, further enrich the study.

This work will provide a holistic examination of the recent history of homicide investigation in England and Wales, with a contemporary discussion of the issues now facing investigations and detectives. Accordingly, the core research questions are:

1. In which particular ways have the investigation of homicide in England and Wales changed since the 1980s?
2. Why has the investigation of homicide changed?
3. What is the impact of change upon the investigation of homicide and the homicide detective?

### Thesis Structure

The remainder of the thesis is divided into three parts, set out as follows:

## Part One: The Research Backdrop

Chapter Two provides an overview of the key events and changes that have shaped the investigation of homicide in England and Wales.

Chapter Three considers the extensive scientific and technological advances that have taken place across the last four decades. I also discuss the apparent shift from detective work being viewed as ‘art’ or ‘craft’ to one of ‘science’.

In Chapter Four I reflect upon the data collection process, detailing how the interviews and observations were conducted, and homicide case files analysed.

## Part Two: The Research Findings

Chapter Five explores the changes that have shaped the day-to-day running of homicide investigations. It will be shown that investigations have grown increasingly complex and today’s detective must manage a myriad of investigative strands.

Chapter Six considers the growth in legislation, regulation and guidance for homicide investigations and investigators. Here it will become apparent that while such change has provided detectives with support, it has led to them becoming risk averse.

In Chapter Seven the opportunities and challenges that substantial technological and scientific change have presented to today’s detective are discussed.

Chapter Eight, the final findings chapter, considers the changing detective status and culture. It will be shown that the modern-day detective bears little resemblance to their predecessor and what has been lost and gained as a result is considered.

## Part Three: The Discussion

In Chapter Nine it will be shown that the investigation of homicide in England and Wales has been subject to extensive change and that this has been the result of multiple influences at a societal and organisational level. Four key drivers of change are presented and the changes that they have driven discussed.

Finally, in Chapter Ten I consider the impact of change and demonstrate that change has not been wholly beneficial. I argue that the consequences of change must be carefully reviewed, since those that have been implemented since the 1980s, have not solved many of the

problems that were identified in the past or led to any significant increase in the detection rate and have left the role of the detective a relatively unappealing prospect.

## **Part One**

### **The Research Backdrop**

In the introduction to this thesis it was established that homicide investigation in England and Wales has been subject to continuous reform since the 1980s. Accordingly, it is the aim of Chapters Two and Three in this part to outline the key developments that have shaped these investigations to provide the backdrop to the current research. In Chapter Two a brief history of policing and homicide investigation is presented and it will become apparent that the extent of change has been considerable. Here the current explanations for change are also discussed. The intention of Chapter Three is to explore the scientific and technological advances that have also played a role in changing homicide investigations. Developments in science and technology have been extensive so they have been assigned their own chapter. Despite such extensive change the role that science and technology plays in investigations is not fully understood (see, for example, Brady and King, 2017). It will be demonstrated that these changes have been advantageous in the investigation of homicide, but also generated new challenges for the modern-day detective. Finally, in Chapter Four attention turns to the present study and the reader will gain insight into how the research was conducted. The use of in-depth qualitative interviews, case file analysis and observations are each discussed in detail, before I end with consideration of the ethical issues and the sometimes unpredictable nature of research.

## **Chapter Two**

### **The Changing Face of Homicide Investigation: History and Explanations of Change**

Drawing on relevant literature the aim of this chapter is to describe how the police investigation of homicide in England and Wales has changed since the 1800s. I begin by tracing the development of policing and criminal investigation, from its early beginnings in the 19<sup>th</sup> Century to the 1970s. Focus then turns to the 1980s. This was an important decade in policing and homicide investigation. It signalled the start of significant change, not least the increasingly poor relationship between the police and Government, the emphasis on efficiency and effectiveness, and the emergence of failings in major crime investigations. The chapter continues to trace developments throughout the following years to the present day and I end by considering existing explanations of change in policing and, to a lesser extent, homicide investigation.

#### **From The Birth of Criminal Investigation to an Alleged ‘Golden Age’ of Policing and the Rise of Scandal**

The Police Service was established in 1829 (Emsley, 2008) when locally based systems proved inadequate at managing crime and disorder as industrialisation took place, communities became more developed and crimes rates rose (Newburn, 2008). Policing was initially focused on crime prevention and maintaining order, not investigation and detection; this was due to fears of a continental style of policing (Matassa and Newburn 2007). As Maguire (2008, p432) notes: “detective work’ was widely regarded with suspicion and unobtrusive investigation in plain clothes was officially frowned upon”. Therefore, a detective branch based at Scotland Yard was not founded until 1842 (Lock, 1993; Stelfox 2009).

The Metropolitan Police were the first to introduce individuals whose expert role it was to investigate crime (Innes, 2003). This was largely in response to its investigations of two murders in the 1840s (Morris, 2007). In an early indication of the role that the media play in voicing concerns about policing, these investigations prompted adverse newspaper stories leading commissioners to recommend that a detective branch be founded (Morris, 2007). This originally consisted of two detective inspectors and six detective sergeants (Innes,

2003). Whilst this small detective department received some positive attention, notably from Charles Dickens, controversy arose with the Road Hill House murder in 1860 during which Jonathan Whicher<sup>2</sup> was criticised for his apparent incompetence (Morris, 2007; Summerscale, 2009). The detective department continued its slow development and the number of officers stood only at 15, 25 years after its inception (Shpayer-Makov, 2004).

The introduction of a Criminal Investigation Department (CID) within the Metropolitan Police was realised in 1877 (Maguire, 2008) to ensure uniformity (Shpayer-Makov, 2004). However, this did not address the concerns that had by this time arisen around the supervision of investigations. According to Morris (2007, p21) this exacerbated the problem by establishing the CID as a “firm within the firm”. Furthermore, from its infancy this arm of the police was surrounded by controversy with issues of corruption illustrating the problem of how investigations and investigators were supervised (Morris, 2007). As the Metropolitan Police were the only force able to retain a permanent CID (Innes, 2003), others had to call upon a detective from Scotland Yard for assistance in investigating serious crimes (Mooney, 2010). Innes (2003, p13) notes that consequently detectives developed their status as “expert crime-solver[s]”. This status was hampered by the investigation into the Whitechapel murders of Jack the Ripper<sup>3</sup> in 1888 (Morris, 2007). Additionally, they only had a 50% success rate between 1919 and 1928 (Rubin, 2011). As the very notion of investigative work was slow to emerge, other forces were slow to develop their own detective branches, but this began to change during the late-1800s (Morris, 2007).

Throughout the course of the next few decades, the pace of developments and change remained unhurried. In 1919, 40 years after the CID was established, a review of policing in England and Wales advised against specialist training of detectives, the opinion being that practical experience would suffice (Morris, 2007). The work of the detective continued to be one in which there was a lack of agreement about what the role entailed (Stelfox, 2009). The role was seen to be one akin to a craft and the skills were varied and dependent on the individual officer and the location of the police force (Stelfox, 2009). This was until the formation of the Hendon police training school and a detective training school in the 1930s (Rubin, 2011).

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<sup>2</sup> Jonathan Whicher was one of the original members of the Detective Branch and led this investigation.

<sup>3</sup> Responsible for the brutal murders of five women in London between August and November 1888, the identity of Jack the Ripper remains a mystery.

This section has shown how and why criminal investigation came to form part of the police remit, but that from the start there were concerns and evidence of problems leading to change. This was to prove a sign of things to come.

### The Post-War Period: A 'Golden Age' of Policing?

As Britain emerged out of its Second World War in 1945, policing in England and Wales embarked on a period of major structural change and reform, a period often considered “a golden age of police legitimacy” (Reiner 1992, p761). During this time, according to McLaughlin (2009, p238), “the British police constable was the embodiment of the ideal citizen of a civilised modern society”. This is manifested in the popularity of the television programme ‘Dixon of Dock Green’, which ran from 1955 to 1976: “Dixon stood for an ideal of policing that has continuing resonance and remains regularly evoked by politicians and police chiefs seeking reform” (Reiner 2013, p85).

Some, however, have questioned whether this was a ‘golden age’. Loader (1997) gives several examples to suggest that it was not, including the rising crime rate of the time, the race riots in London’s Notting Hill in the late 1950s, scandals involving senior police officers, as well as evidence of deviance detailed in police memoirs. Williams (2011) supports this suggesting that rising crime rates and the belief that young people were out of control, troubled society. Weinberger (1995), through the use of oral history interviews with police officers, also concluded that it was not a ‘golden age’ of policing. She attributed this to several issues, such as, high unemployment levels, depression and the difficulties associated with rebuilding a country that has just come out of its Second World War (Weinberger, 1995).

It is clear that the high esteem with which policing during this time was held is not conclusive. Moreover, matters of ‘law and order’ were not a priority during the elections that followed the end of the Second World War (Downes and Morgan 2007), which might support the notion of ‘a golden age’. According to Downes and Morgan (2007, p202) this “testifies to the strength of the belief that crime, like the weather, is beyond political influence; and that the operation of the law and criminal justice should be above it”.



## Rising Scandal

The late 1950s onwards saw police legitimacy damaged as the emergence of scandal and controversy led to a decline in public confidence. As Reiner (2010, p78) notes, cases including the alleged corruption of a Chief Constable that was not correctly investigated meant that the “tacit contract” that had been “delicately drawn” and carefully maintained, “began to fray glaringly”. Throughout this time rising levels of crime were accompanied by increased concerns about police accountability (Reiner, 2010). In 1960 a Royal Commission on the Police was established with a remit to examine police pay, accountability, the possible establishment of a national police force, the role of police authorities and the relationship between the police and the public (Joyce and Wain, 2011). The recommendations of the report prompted further changes to the structure of the police. A tripartite structure, which was implemented as part of the 1964 Police Act saw responsibility for policing shared between the Home Secretary, the Chief Constable and police authorities (Mawby and Wright, 2008). This move served to lessen the power of the local police authorities (Reiner, 2010).

Controversy and scandal continued to plague the police force and detectives throughout the late 1960s and 1970s. Matassa and Newburn (2007) write that scandals included an occasion whereby detectives were found to be plotting with criminals to cover up serious crimes, which was particularly harmful to the organisation, not least because Scotland Yard’s investigation was dominated by “obstruction, leaks and disappearing documents” (Reiner 2000, p12). The 1970s also saw scandal dog the Drug Squad and Obscene Publications Squad as well as the apparent participation of detectives in armed robberies (Reiner, 2000). The investigation of major crime was also being called into question. In 1975 ‘the Black Panther’, a prolific armed robber already wanted for murder, kidnapped 17-year-old Lesley Whittle to demand a ransom (Brain, 2010). The investigation, which crossed police borders, was poorly managed and police failed to link the kidnapping to the armed robberies. Lesley Whittle was later found dead. The problems identified within the investigation led to some changes to training for cases of kidnapping, but the Labour government refused to hold an inquiry into the investigation failings, believing that this was the exclusive preserve of the police. Bilton (2012, pxxvi) cites a Home Office Minister as saying: “the responsibility of deciding how an offence should be investigated is for them and them alone”.

## **Policing and Change**

The preceding sections have shown that policing and criminal investigations have been subject to controversy and adjustment since their establishment, despite an apparent ‘golden age’ in the post-war period, and that, police legitimacy sank especially low in the 1970s. However, the 1980s became a decade of momentous change. This was not only a time in which flawed homicide investigations prompted a transformation in the ways in which major crimes were investigated, but one which also saw broader changes to the landscape of criminal justice as ‘New Public Management’ took a firm hold. Further change was generated in the 1990s and beyond by society’s growing preoccupation with risk and efforts to manage it. As Garland (1997) highlighted, this period saw the beginnings of a major and continuing change in discourse regarding law and order whereby society as a whole has become less confident about managing risk.

### **Thatcher, Efficiency and a Privileged Police Force**

Towards the end of the 1960s the three major political parties in England and Wales had begun to outline in their election manifestos how they would fight the continuing rise in recorded crime in England and Wales. They stopped short, however, of suggesting that rising crime rates could be linked to the policies of the governing party (Downes and Morgan, 2007). This position changed dramatically when the Conservative government, led by the first female Prime Minister Margaret Thatcher, came into power in 1979 and placed blame for a perceived ‘crisis’ in ‘law and order’ on the outgoing Labour party (Downes and Morgan, 2012). The Conservative’s ‘New Right’ agenda led to a variety of policies aimed at tackling ‘law and order’ and they vowed to increase spending on the police and other criminal justice agencies (Downes and Morgan, 2007). McLaughlin *et al* (2001) explain that this was in the belief that spiralling levels of crime could be combatted with increased numbers of police officers holding adequate powers and severe sentences handed out by the criminal justice system. Funding of the police increased and they enjoyed a substantial rise in salary (Morgan and Newburn, 1997).

Whilst the government believed that further investment in the police force would see crime rates fall, this was not to be. Recorded crime continued to rise and the only things to fall were clear up rates and confidence in the police (Morgan and Newburn, 1997). Yet, commentators have described the police as enjoying a “relatively privileged status” under

Thatcher's government and consequently – despite much rhetoric about the need for efficiency – in reality they for many years escaped the move towards a 'value for money' ideal to which other areas of the public sector were becoming subject (Golding and Savage 2008, p736). But why were the police and other criminal justice agencies not seriously affected by the drive for increased efficiency, business-like ideals and “'consumer power'” (Jones 1993, p188) that featured in other areas of the public sector at this time? Hough (2003) offers two explanations. Firstly, as the first political party to prioritise issues of 'law and order' as part of their successful election campaign, the Conservatives could not then be seen to carry out significant reform of the police force (Hough, 2003). McLaughlin and Muncie (1994, p115) highlight that policing became “a hallowed no-go area for public expenditure cuts”. Secondly, Hough (2003) suggests that there were other areas with more substantial budgets demanding attention.

The first serious threat to the privileged status of the police lay in the Financial Management Initiative (FMI), initially introduced in 1982, which was the “first concerted attempt to inculcate the virtues of...the '3 E's' – 'Economy, Efficiency and Effectiveness' – within public sector organisations” (de Maillard and Savage 2012, p365; James, 2013). Essentially, the Thatcher government remained unconvinced about the ability of the public sector to deliver services efficiently and effectively and placed their confidence in the principles of the private sector (Newburn, 2008). Home Office circulars produced in 1983 represented the first indication that the police would be affected. The police were “hostile” in their response as they were concerned about the impact on them in terms of employment (Newburn 2008, p120). They were also of the opinion that the government was solely focussed on restricting expenditure and that concerns about the standard of policing were not a priority (Morgan and Newburn, 1997). Moreover, the circulars were produced without consultation with the police – a clear sign that the positive relationship that they had enjoyed with the Conservatives was waning. Ultimately, the FMI did not have a substantial impact upon the police, although it did see the civilianisation of some roles to improve efficiency (de Maillard and Savage, 2012; Her Majesty's Inspectorate of Constabulary, 2004). It should be acknowledged that other criminal justice agencies, such as probation, were facing more far-reaching changes. In 1984 the Home Secretary published the *Statement of National Objectives and Priorities* in a sign of increased control showing that “any pretence that probation services were locally autonomous, able to set their own priorities unfettered by government prescription, was now over” (Morgan 2007, p92).

Turning to homicide investigation specifically now, it was the investigation into the crimes of the Yorkshire Ripper that would see the spotlight shone upon major crime investigation, and the beginning of substantial change in this arena.

### The Yorkshire Ripper and The Byford Inquiry 1981

Over a five-year period during the 1970s and 1980s, Peter Sutcliffe, better known as the Yorkshire Ripper, murdered thirteen women and attacked seven others before eventually being arrested (Bilton, 2012). The investigation into these crimes was subject to much criticism and, in a sharp departure from the Government's refusal to call an inquiry into the Black Panther investigation, resulted in an inquiry led by Sir Lawrence Byford, (Bilton, 2012)<sup>4</sup>. The inquiry found that there were serious deficiencies within the Major Incident Room (MIR), which is the "administrative core of the investigation" (Brookman 2005, p241), with the management of information, as well as concerns with leadership, which was evident in the importance placed on a hoax caller by senior officers (Roycroft, 2008). In 1979 the police received a tape from an individual claiming to be the Yorkshire Ripper. They believed the person was genuine and focused on finding an individual with the same northeast accent as the caller, who became known as 'Wearside Jack' (Brain, 2010). Therefore, although officers had suspicions about Sutcliffe, he was dismissed as a suspect as he did not have that accent (Brain, 2010)<sup>5</sup>. It was found that had these, and other issues, not been present, the police would have apprehended Sutcliffe far sooner (Mooney, 2010). Jones (2011, p63) states, "by the time Peter Sutcliffe was arrested, he had been interviewed no less than 12 times". The case also exposed that the police had not learnt from the cross-border failings of the 'Black Panther' investigation.

The Byford Inquiry was a major milestone for criminal investigations because of its "groundbreaking recommendations [which] have governed all major investigations since" (Brain 2010, p63). The importance of this case is reinforced by Bilton (2012, pxxx) who writes: "a cynic might say that if there had been no Yorkshire Ripper, it might have been well to invent him, as the sole means to force dramatic profoundly necessary changes upon a creaking police service".

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<sup>4</sup> It is, however, noteworthy that until 2006 only a brief four-page summary of Byford's main conclusions and recommendations were available, including to the police (Bilton, 2012).

<sup>5</sup> In 2006 John Humble admitted sending letters and audio to the Police investigating the Yorkshire Ripper case (Yorkshire Ripper Archive).

Two particularly influential changes were made following the Inquiry: the introduction of the Major Incident Room Standard Administration Procedures (MIRSAP) and the Home Office Large Major Enquiry System (HOLMES). The development of HOLMES, a computerised system for storing information, will be considered in the next chapter. Innes (2003, p24) explains that MIRSAP “revised the principles for the division of labour between investigators in a murder squad and the administrative procedures by which lines of enquiry and their resultant information were to be managed”. First published in 1985 (Mooney, 2010), the procedures have been modified over time to reflect changes and advancements to the investigation of crime (Innes, 2003). As Innes (2003, p24) writes: “the development of MIRSAP and the introduction of HOLMES have contributed to a move away from the individualistic, autocratic orientation of the traditional approach to investigation, towards a more ‘modern’, rationalised, and bureaucratic system”.

Developments that would follow over the next few decades would serve to cement this approach.

The Yorkshire Ripper investigation and the Byford Inquiry had a significant impact upon the investigation of homicide. Crucially, it is the first of several examples that will be presented in this chapter of the role that certain cases play in influencing change. This is well documented in the literature. In his book discussing change in policing Savage (2008) begins by describing how system failure or ‘things going wrong’ have led to reform. Stelfox (2009, p33) also considers “concerns over police effectiveness and conduct in criminal investigation” a key driver for change, alongside technological advancements and changes to the legal framework. There are several reasons that these cases might prompt change and these will be discussed at the end of this chapter.

However, changes implemented in response to such cases have seemingly not proven to be the answer. As significant as the Byford Inquiry was it did not eradicate problems within the police investigation of serious crime and, against a backdrop of rising crime rates and a “veritable haemorrhage of public confidence” (Reiner 1992, p763) that would continue into the 1990s, a critical piece of legislation was introduced.

#### The Police and Criminal Evidence Act 1984 (PACE)

Maxwell Confait was murdered in 1972 and three youths were subsequently convicted of the crime (Newburn, 2008). It was later discovered that the convictions had been based upon the

false confession of one of the youths (Newburn, 2008). This prompted concerns around the existing legislation, the Judges' Rules, which were considered vague and difficult to enforce (Maguire, 1988). This was the first time that attention was placed "firmly on the investigative and specifically the interview process as a major contributor to miscarriages of justice in the UK" (Poyser and Milne 2011, p63). Consequently, the Fisher Inquiry was founded and became a "landmark dossier for documenting system failures throughout the conviction process" (Savage and Milne 2007, p619). However, as other miscarriages of justice came to the fore throughout the 1970s and 1980s, the Royal Commission on Criminal Procedure (RCCP) was established (Burrows and Tarling, 1987). The research commissioned by the RCCP brought to light significant concerns in respect of questioning techniques, malpractice and the overall behaviour of the police (Poyser and Milne, 2011). Its recommendations formed the basis of PACE, which was established in 1984 (Stelfox, 2009).

PACE aimed to balance the rights of the suspect with the powers of the police. It "defined police powers, laid down investigative procedures and defined suspects' and others' rights" (Stelfox 2009, p34). The legislation was influential for it moved to address the lack of guidance in this area of police work and the subsequent "variation in practice and many gaps in the legal definitions of what was, and was not, permissible" (Stelfox 2009, p68). Crucially, PACE sought to increase the accountability of the police in several respects; ensuring that decisions are recorded at the time they are made, making failure to adhere to the Act a disciplinary offence and with the introduction of complaints procedures (Newburn and Reiner, 2007).

PACE is supported by Codes of Practice (Stelfox, 2009). In considering the investigation of major crime it is important to consider Code C and the detention, treatment and questioning of suspects as, prior to the introduction of PACE, "police cells and interview rooms were secretive, dark corners of criminal process that were in practice almost impervious to external scrutiny" (Roberts 2007, p113). The custody officer was introduced. This role is pivotal as they are "responsible for overseeing police behaviour and ensuring it complies with its related codes of practice" (Newburn 2007, p608). This means that the safeguards within PACE should be enforced as soon as a suspect is booked into the custody suite; with a designated officer present to ensure their rights are protected. Newburn (2007) explains that the custody officer must monitor the suspects' welfare, which involves observing the frequency and duration of questioning, access to medical treatment and the provision of food, as well as permanent monitoring of those at risk of suicide. The custody officer should help

to prevent miscarriages of justice during the early stages of an investigation. Indeed, their role involves monitoring the duration and frequency of the questioning of a suspect.

Under PACE all police interviews now require audio, and in some cases visual, recording as outlined in codes E and F. This has helped resolve allegations of ‘verballing’, whereby false or incriminating statements were erroneously attributed to suspects (Roberts, 2007). PACE also stipulates that suspects may be held within a police station without charge for up to 36 hours at the discretion of the police, however, agreement from the Magistrates Court must be sought if the police wish to extend this time for up to 96 hours (Sanders and Young, 2007). Even so, the police should only hold suspects for as long as is necessary and under Section 37, the questioning of a suspect is only to proceed until the police have sufficient information with which to charge that suspect (Roberts, 2007). Despite PACE implementing these time limits upon detention in custody, some evidence suggests requests to extend periods of detention are rarely denied, indicating that the process is not balanced in the manner that PACE intended (Sanders and Young, 2007).

Shortly after its implementation, Maguire (1988) examined its impact upon the detention and questioning of suspects in police custody. He found that the police’s view of PACE in these early years were that it was “excessively bureaucratic” and did not allow them to perform their role effectively (Maguire 1988, p20). In particular, Maguire (1988) found that it was CID that viewed this new legislation negatively, as they felt that it had proven detrimental to their work. However, whilst there were concerns about how it impacted upon police ability to perform their role, the Act’s requirements of having to record information and ensure that the suspect has access to legal advice, safeguards the police against accusations of misconduct (Maguire, 1988). This notion of procedures and legislation allowing the police to ‘cover’ themselves is echoed later in Bullock and Johnson’s (2012) research examining the impact that the Human Rights Act 1998 has had upon policing. Further, Brookman and Innes (2013, p9) discuss the notion of ‘procedural success’ and the importance of adhering to the processes outlined by PACE to “drop a safety net over the investigation”.

Unfortunately, post-PACE miscarriages of justice occurred, such as the ‘Cardiff Newsagent Three’<sup>6</sup>, when there were found to be 115 breaches of the legislation during the investigation leading to the wrongful conviction of three men (Poyser and Milne, 2011). The conviction of

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<sup>6</sup> The ‘Cardiff Newsagent Three’ were Michael O’Brien, Ellis Sherwood and Darren Hall. They were wrongly convicted of the 1987 murder of newsagent Philip Saunders (Naughton, 2013).

the ‘Cardiff Three’ for the 1988 murder of Lynette White<sup>7</sup> in South Wales was also overturned following concerns over the “reliability of the interview and confession evidence” despite the ‘safeguards’ (Fraser and Williams 2009a, p5). A report into the collapse of the trial against officers involved in the investigation highlights how the Court of Appeal strongly condemned the police interviews, describing the police as bullying the suspect and their intimidating approach (Horwell, 2017). The report notes that the grounds for the appeal were based on the interviews being in breach of PACE (Horwell, 2017). Horwell (2017, p22) writes, “what some police interview must have been like *before* tape recording became mandatory under PACE remains cause for speculation and concern”.

Nevertheless, the implementation of PACE has had a significant impact upon the way in which the police investigate crime, including homicide. Previously the investigation of serious crime was “afforded the greatest license” (Maguire and Norris 1992, p62). The establishment of the Act was a major step towards formal accountability and, as Loftus (2009, p26) notes, “contemporary police officers work in a substantially different legal context than previous generations”. This is no more evident than in the case of the murders of Becky Godden-Edwards in 2002 and Sian O’Callaghan in 2011. Their bodies were found after their murderer, Christopher Halliwell, led the police to them in circumstances in breach of PACE (Evans, 2012).

Halliwell was arrested in 2011 in relation to the disappearance of Sian O’Callaghan and the Senior Investigating Officer (SIO) DS Steve Fulcher sanctioned an ‘urgent interview’ that was conducted by the arresting officers. However, when Halliwell did not speak Fulcher took the decision to continue the ‘urgent interview’ himself (Rozenberg, 2012). Fulcher questioned Halliwell before he led police to Sian O’Callaghan’s body. Halliwell then went on to lead the police to the body of Becky Godden-Edwards, who he had murdered eight years earlier (Peachey, 2012). The SIO took this course of action believing that Sian was in imminent danger and to find her as quickly as possible. However, Halliwell’s lawyers argued that it was “an assault on the integrity of the legal system” (Peachey, 2012). The judge subsequently ruled that the evidence pertaining to Halliwell’s confessions were inadmissible. Although the police had sufficient additional evidence in the case of Sian O’Callaghan’s murder, this was not so for Becky Godden-Edwards leaving Christopher Halliwell to be

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<sup>7</sup> Lynette White was murdered in South Wales in 1988. Five men were wrongly charged of the murder, three were wrongly convicted. Significant concerns were raised about the conduct of the investigation (Howell, 2017).



charged with one murder (Evans, 2012)<sup>8</sup>. This case, although exceptional in its circumstances, illustrates the vast shift in the regulation of homicide investigation; Fulcher was accused by Halliwell's Barrister of returning to a 1970s style of policing (Robins, 2012). This view has been reiterated by other commentators who draw on the miscarriages of justice of the past to argue why PACE should not be disregarded (Rozenberg, 2012). On the other hand, Fulcher received much support for his actions, without which the murder of Becky Godden-Edwards would likely not have been uncovered, and he has voiced concerns about the constraints of PACE and the implications for investigations (Fulcher, 2017). Fulcher has said that the rights of victims should not fall behind those of an offender and that he would do the same again (Fulcher, 2017).

Conversely, it has been argued that amendments made to PACE since its implementation have tipped the balance in favour of the police, providing them with more power:

Whilst the basic structure has survived, it is now a markedly different creature than that which was originally enacted. PACE itself has been amended on numerous occasions, generally giving the police greater investigative powers, and lowering the threshold and extending the circumstances in which they can be exercised. (Cape and Young 2008, p1).

Although PACE has in many ways served to regulate policing and criminal investigations, it appears that subsequent revisions have been beneficial to those enacting it.

#### 'Value for Money' and the Performance Culture

After suffering a crisis of confidence in her leadership Margaret Thatcher resigned as Prime Minister in November 1990 and was succeeded by John Major. In April 1992 the Conservatives went on to win the general election with a small majority. Following this election New Labour, led by Tony Blair, began to build their own reputation as the party to tackle 'law and order' (Morgan and Newburn, 1997). Notably, the early 1990s onwards would see a substantial move "towards a greater responsiveness to public opinion" (Allen and Hough 2007, p565). Meanwhile, the Conservative government outlined plans for significant reform of police forces in England and Wales, which signalled a sharp departure from Thatcher's earlier approach and a move towards the performance management structure that the police had, until this point, mostly evaded:

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<sup>8</sup> In 2016 Christopher Halliwell was convicted of Becky Godden-Edwards' murder after the discovery of new information led to a retrial (Morris, 2016).

Whereas the 1980s began with a promise from the newly elected Conservative Government that it would spend more on 'law and order' while cutting public expenditure elsewhere, the 1990s opened with a series of increasingly searching government inquiries as to whether the police were providing 'value for money'. (Morgan and Newburn 1997, p4).

The Sheehy Inquiry 1992 is an example. The inquiry commenced in May 1992 (Cope *et al.*, 1997) and its purpose was to examine "the rank structure, remuneration and conditions of service of the police service in England and Wales, in Scotland and Northern Ireland" (Home Office 1993, p1). The police response to the recommendations was overwhelmingly negative and certain elements proved particularly controversial, including, the lower starting salaries for officers, fixed-term appointments and performance related pay (Cope *et al.*, 1997). The police were also concerned about the lack of consultation (Leishman *et al.*, 1995), which was demonstrative of the erosion of their "privileged status" (Golding and Savage 2008, p736). They felt the proposals would have a detrimental impact upon the "recruitment, retention and morale of police officers" (Cope *et al.*, 1997, p450). The Superintendents' Association argued that the proposals would "remove the vocational aspect of the work, turning it into a 'job like any other job'" (Morgan and Newburn 1997, p6). As a consequence of the resistance, in October 1993 the Home Secretary rejected many recommendations, but agreed that "some police ranks should be abolished and certain allowances be reviewed and negotiated locally" (Cope *et al.*, 1997, p450). Although this is clearly indicative of how the police can be resistant to change, the Sheehy Inquiry was a far more decisive step towards performance management, centralisation and the imparting of private sector ideals upon the police than had been seen previously (Newburn and Reiner, 2004). As James (2013, p18) notes, the Sheehy Inquiry and other such moves "challenged the power of chief officers and sought to engineer radical reform in policing".

The early 1990s saw the introduction of performance indicators (PIs), the purpose of which was to allow the performance of the police to be measured in order that it could be improved (Golding and Savage, 2008). The first results were released in 1995 and the focus included how fast 999 calls were responded to, the cost of policing and rate of detection, however, these were subject to criticism as they "paid undue homage to the more 'quantifiable' dimensions of policing" (Golding and Savage 2008, p738). As a result of such criticism, the Audit Commission added PIs that were more qualitative (Golding and Savage, 2008).

Golding and Savage (2008) note that drives towards measuring the performance of the police and the reforms discussed in this section, brought the police, albeit belatedly, within what

became known as the New Public Management (NPM) initiative – a shift in policy that has continued and evolved in a variety of guises and names ever since. Glynn and Murphy (1996, p125) describe NPM as “characterised by the adoption of private sector management concepts and styles, the introduction of quasi-markets and contracting processes and the applications of explicit standards and measures of performance”.

Some commentators have raised concerns around the very idea that the public sector can be run on the standards of the private sector. In a highly critical article on NPM, Savoie (2006, p596) argues that the two are simply incompatible in regards to the way that they operate and the way they are perceived. Savoie (2006) suggests that NPM has been damaging to the morale of those working within the public sector as they are told the way in which the private sector is run is superior. Additionally, Lapsley (2009, p12) argues that increased auditing that has been a further consequence of the advent of NPM, has led to a “compliance mentality” and as a result the police feel it necessary to protect themselves “against future scrutiny”. Lapsley (2009) also notes evidence that suggests the police are more inclined to spend their time investigating those crimes that will be more likely to result in a detection in order to ‘tick the boxes’. Heslop (2011) also questions the advent of NPM in policing, suggesting that it has led to a ‘McDonaldisation’ of policing. McDonaldisation was introduced by George Ritzer to “characterise the highly controlled, bureaucratic and dehumanised nature of contemporary, particularly American, social life (Heslop 2011, p315).

McDonaldisation comprises four main principles: efficiency, calculability, predictability and control (Ritzer, 2015). Heslop (2011) explains that these have been of benefit, but that unintended consequences, or irrationalities, can arise, which are a threat to the smooth running of the organisation. Heslop (2011, p319) suggests that these unintended consequences include “an increase in bureaucracy, a reduction in police discretion and deskilling”. Although Heslop (2011) refers to policing more broadly, there is recent evidence of similar consequences in homicide investigations also. Brookman and Innes (2013) explain that the advent of NPM and the drive for accountability has led to the increased importance of procedural success during homicide investigations and that along with this change in focus came a raft of policy and procedures. However, it should be noted that this was not only the result of NPM, but also inquiries such as Byford (Brookman and Innes, 2013). They argue that the move towards assessing performance has led to those involved in the investigation of major crime to have a broader idea of what constitutes a successful investigation as ‘procedural success’ now comes into play, for instance, an investigation may be considered

successful if policies and procedures have been effectively managed (Brookman and Innes, 2013).

It is apparent that following the package of reforms implemented by Major's Conservative government, police forces could no longer hold any doubt as to the government's drive for increased centralisation of control, performance management, accountability and the advent of private sector principles upon the police force. Further, it will soon be shown that this would not subside under the New Labour government and would in fact be accelerated. As has already been hinted at this has also had an impact upon homicide investigation, as were other developments at this time.

### Introducing Models of Interviewing

It is widely documented that the focus upon securing a confession was a primary aim of the police interview in the past. Savage and Milne (2007, p614) describe how this "confession culture" led to oppressive questioning. Furthermore, the literature and research concerning miscarriages of justice highlight that flaws within the investigative process, thus including the interview stages, are recurrent factors (Walker, 1999). According to Roberts (2007, pp. 113 – 114) "prior to the enactment of PACE, police cells and interview rooms were secretive, dark corners of criminal process that were in practice almost impervious to external scrutiny".

This was to change somewhat with the implementation of PACE, but there were other signs of recognition that reform was needed. Gudjonsson (2007) explains that the first interrogation manual designed for use by police services in England and Wales was compiled by Walkley (1987) following the establishment of PACE. However, the manual was influenced by those found in the USA and so much of what it prescribed conflicted with PACE (Gudjonsson, 2007). It was not until the early 1990s that there would be any further concerted effort to formalise interview training and the interview process. This was a result not only of miscarriages of justice and the implementation of PACE, but also psychological research about the impact of oppressive questioning techniques, which the legal system was coming to see the importance of (Gudjonsson, 2002). In 1992 a committee of experts devised seven principles for interviews, which were distributed across police forces (Gudjonsson, 2007). Additionally, a national training programme regarding investigative interviewing followed the introduction of the seven principles, which also saw the production of two booklets about investigative interviewing and which accompanied the training programme.

The “booklets and the interview model on which they are based, became nationally agreed guidelines on interviewing for victims, witnesses and suspects” (Gudjonsson 2007, p470).

The PEACE model of interviewing was also introduced at this time and is based on psychological principles (Gudjonsson and Pearse, 2011). This “provides a chronology of events for the interview process” (Cook and Tattersall 2010, p310) and stands for: planning and preparation, engage and explain, account, clarify and challenge, closure and evaluation. A shift in terminology was also evident whereby there was a move from the phrase ‘interrogation’ to ‘investigative interviewing’ (Brookman and Wakefield, 2009; Gudjonsson, 2007). Following the introduction of the PEACE framework, a five-tier model of interviewing was introduced. Importantly, tier-three was designed to ensure that those involved in the investigation of serious offences, such as murder, have the necessary skills to conduct the interviews (Griffiths and Milne, 2006). Tier-five is the level required of interview advisors (Griffiths and Milne, 2006).

Brookman and Wakefield (2009, p68) note that the “interview process presents the potential for police misconduct ranging from duress and threat to torture, examples of which are well documented in the misconduct literature”. Therefore, a careful review of the interview process was necessary, particularly in light of miscarriages of justice in relation to homicide suspects that had raised concerns about their conduct. The developments outlined here have led to a more professional and standardised approach to interviewing. Although acknowledging a lack of evaluation of PEACE since the 1990s, Clarke *et al* (2011) found that police interviewing of suspects had improved since its implementation. In particular they found that the positive impact of PEACE could be observed when officers were covering legal and procedural matters at the start of the interview (Clarke *et al.*, 2011), an interesting point in light of concerns around the increasing “compliance mentality” in policing (Lapsley 2009, p12). However, they identified that the officers’ ability to be flexible and explore the accounts that the suspects had relayed was not as strong and Clarke *et al* (2011) recommended this as an area requiring further research. The Senior Investigating Officers’ Handbook stresses that the interview must remain flexible, the research of Clarke *et al* (2011) would suggest that this is not transpiring in practice. The impact of this upon homicide investigation remains unclear.

Despite the introduction of PACE and changes to interviewing, problems remained. The racist murder of 18-year-old Stephen Lawrence in 1993 would again bring policing and

criminal investigation under the spotlight. However, it would be several years, and only after dedicated campaigning by his family, that the extent of the problem would become known and further significant reform of both policing and major crime investigation would begin.

### The Criminal Procedure and Investigations Act 1996 (CPIA)

The CPIA was introduced as a result of miscarriages that were caused by failings to disclose material that could have aided the case of the defence (Stelfox, 2009) and following the recommendations of the Royal Commission on Criminal Justice (Hannibal and Mountford, 2002). One famous case that illustrates the repercussions of failings in the disclosure of evidence is that of Stefan Kizko. Kizko had a medical condition that would make it impossible for him to have left the semen, which had been found at the scene, but this was not disclosed at his trial and he spent 16 years in prison before being freed (Redmayne, 1997).

Supported with Codes of Practice, the Act defines criminal investigation and the roles of the investigators. It stipulates that investigators must “maintain records of the investigation, pursue all reasonable lines of enquiry, disclose the material they uncover to all parties in the trial” (Stelfox 2009, p67). It also necessitates that a disclosure officer is assigned (Redmayne, 1997) to “supervise the collation and disclosure of unused material as part of the process of preparing the case file”. The CPIA established a “new framework for disclosure in criminal cases” (Starmer and Woolf 1999, p108) and “provided for the first time a statutory framework governing the retention, recording and disclosure of unused material, placing clear duties on the police and prosecutors” (Rhodes 2009, p235).

When the CPIA was first introduced, it required a two-stage process of disclosure: primary and secondary. The primary disclosure stage required the prosecution to either hand over to the accused any material that the prosecution believed might undermine their case or they were to provide a written statement confirming that there was no such material to disclose (Taylor, 2001). During the secondary stage the defence were required to provide the defence case statement, which should outline the nature of the defence and any issues that they might have with the prosecution and why (Taylor, 2001). This would then demand a further review of materials that might also require disclosure. However, Taylor (2001) identified errors with the process including, the tendency of the defence to provide vague defence case statements making it difficult for investigators to determine what material should be disclosed. The

CPIA was, however, amended under the Criminal Justice Act 2003 and the primary and secondary stages of disclosure were removed with a “single unified, and now objective, test for the prosecution duty of disclosure” introduced (Rhodes 2009, p236):

The requirement to serve a defence case statement remains, but the single unified test at the initial disclosure stage removes the risk that the prosecution might withhold helpful material on the grounds that the defence had not served a case statement. Instead, the prosecution are under a “continuing duty of review”, following the service of the defence case statement and throughout the proceedings.

Detectives must continually review whether there are any materials that require disclosure. Material that might require disclosure must meet the disclosure test, which is defined as that which “might reasonably be considered capable of undermining the prosecution case or assisting the case for the accused” (Crown Prosecution Service, no date).

Whilst Stelfox (2009, p68) argues that this has been an influential piece of legislation for it has placed “the recording of decisions and the retention and disclosure of material at the centre of the investigative process”, concerns have been raised about the role of the police in the disclosure process. Taylor (2001, p118) argues that the perspective of the police may impact upon the gathering of evidence and arrangement of files and questions whether the “culture, training and operational priorities of the police are compatible with disclosure under CPIA”. Taylor (2001) also suggests that the hidden nature of investigation may exacerbate these concerns. Taylor (2001, p123) proffers that the police role in disclosure is at odds with their investigative role, arguing that “officers are required to both conduct their investigations with all diligence but, at the same time, to take every opportunity to undermine their own work by actively seeking out and disclosing information which assists in the defence”.

Furthermore, the Criminal Cases Review Commission (CCRC) annual report for 2016 states that over the last 12 months they have “continued to see a steady stream of miscarriages” and that the “most frequent cause continues to be failure to disclose to the defence information which could have assisted the accused” (CCRC 2016, p7). The report acknowledged several reasons for this, including instances in which information was purposefully withheld and those where the significance of the information was not appreciated (CCRC, 2016). The report also includes details of homicide cases that have been referred to the appeal court, for which issues around disclosure formed the grounds of appeal. These cases include two from 2000 and 2006, showing that there are concerns with relatively recent cases. This demonstrates the need to consider the impact that this legislation has had upon homicide

investigation specifically. On the other hand, a joint report by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) stated that whilst progress had been made in respect of serious crimes, volume crown court cases had received less attention (HMCPSI and HMIC, 2017). The report identified that improved training of the police was needed, as was better communication between the police and prosecutors and a "cultural shift" in the way in which disclosure is viewed, specifically that it should not just be seen as an "administrative function" (HMCPSI and HMIC 2017, p3). Further evidence that disclosure remains in need of close attention lies in the 2017 Mouncher Report, which examined why the case against police officers involved in the Lynette White murder investigation collapsed, and identified issues with disclosure. The report recommended that minimum standards and accreditation be established for Disclosure Officers and that a national training programme is established, which should stress the importance of the continuing duty of disclosure (Horwell, 2017). It was also recommended that each individual working within the MIR receive a copy of the MIRSAP so that they fully understand their disclosure obligations (Horwell, 2017).

The CPIA has been described as "trying to legislate for an open mind" (Carson 2007, p412) in its requirement that investigators pursue all reasonable lines of enquiry, whether these point to, or away from, a suspect. Historically, there have been numerous cases in which investigators did not maintain an open mind. As discussed earlier, during the Yorkshire Ripper investigation, investigators focussed their search on a man with a particular accent after receiving tapes from an individual claiming to be the Yorkshire Ripper. The investigation into the crimes of Stephen Port in 2014 and 2015 indicate that even today not all lines of inquiry are pursued. Initial investigations into the deaths of Port's victims failed to link them (Independent Police Complaints Commission (IPCC), 2016) and some have suggested that institutional homophobia played a part in this (Tatchell, 2016). Although concerns here relate to the police investigations in to the deaths before they were classed as homicides, the CPIA applies to all investigations. Moreover, the consequences of any failings during initial investigations upon any subsequent murder inquiry could be significant.

The introduction of this Act can certainly be seen as further evidence of increased legislation to regulate criminal investigations and investigators. The question of the impact that this has had upon homicide investigation and detectives, however, remains.



## New Labour, the Macpherson Report and Further Legislation

New Labour's victory at the 1997 general election owed much to its popularised approach to 'law and order' encapsulated in the party's slogan: 'tough on crime, tough on the causes of crime'. The incoming Prime Minister, Tony Blair, would continue to pursue NPM, or as the government came to call it, the 'modernisation' of the public services. Indeed, de Maillard and Savage (2012, p638) note that they did so "with even more enthusiasm than their predecessors". Whilst from the start the government were clearly intent on pursuing public sector reform, they stepped it up to a large extent as a result of the 'crisis of performance' that surrounded policing. This was heightened following the murder of Stephen Lawrence in 1993 and the eventual Macpherson Inquiry into the investigation.

This investigation was, according to Sir William Macpherson, "marred by a combination of professional incompetence, institutional racism and a failure of leadership" (Macpherson 1999, p317). Further, the investigation was criticised for "not taking early steps to pursue suspects, and for a general lack of imagination, co-ordination, planning and action" (Brookman 2005, p264). Interestingly, Innes (2002) observes that many of the concerns raised in the Macpherson report echoed those outlined by Byford some 20 years earlier, raising questions about whether lessons were truly learnt. Foster's (2008, p95) research examining the views of murder detectives on the inquiry, found that at the time of Stephen's murder there was a lack of structure and that as a result "when a homicide occurred detectives were drawn from local divisional CID offices on a temporary basis, the quality of staff was variable and valuable time was wasted seconding them". This suggests that despite the steps that were taken following the failings of the Yorkshire Ripper investigation, problems still hindered the investigation of murder. Furthermore, the shortcomings of the HOLMES system, which was introduced following the Byford Inquiry, were also apparent.

The Macpherson report also identified a lack of "formalised, or consistent system for documenting actions, investigative decisions or their rationales" and as a result of the concerns it is now requisite for records to be kept and the reasoning for certain decisions to be recorded (Foster 2008, p96). The importance of recording decisions by the SIO is emphasised in the 'Senior Investigating Officers' Handbook', and an excerpt of the Macpherson report criticising this aspect of the Stephen Lawrence investigation can be found here (Cook and Tattersall, 2010).

Macpherson reported concerns with 28-day homicide reviews. Implemented in response to the failings of the Yorkshire Ripper investigation, reviews are designed to be “valuable to the police service in terms of managing and improving investigative performance in relation to major crime” (Nicol *et al* 2004, p12). They should tackle the problems that were identified after the Yorkshire Ripper investigation whereby information was missed on numerous occasions. However, several years later, Macpherson found that far from being a valuable resource for the Metropolitan police during the investigation, the Barker review was “lacking rigour and more concerned with protecting the organisation’s reputation than contributing to the success of the on-going investigation” (Nicol *et al* 2004, p12). Macpherson recommended that new guidelines for reviews be established. The importance of reviewing investigations has been extended and investigations now feature a debrief, during which the investigating team will “evaluate the investigation with a view to identifying good practice and areas of learning and, where necessary, provide recommendations for organisational improvement” (Brookman and Lloyd-Evans 2015, p18). These might occur post trial whereby the whole investigation will be reviewed or soon after a suspect has been charged (Brookman and Lloyd-Evans, 2015).

The Murder Investigation Manual (MIM) was a further addition designed to guide the police investigation of homicide. Its introduction followed the Macpherson report, but has its roots in Byford (1981). The Association of Chief Police Officers (ACPO) Homicide Working Group first published the MIM in September 1998 and it “provides advice to Senior Investigation Officers on the strategies and tactics involved in homicide investigation” (Stelfox 2009, p77). The manual was developed in conjunction with various SIOs alongside other criminal justice system professionals; with other members of the police spoken to in order to ascertain good practice (Stelfox, 2009). Brookman (2005, p274) notes that this was the first document of its kind and that previously SIOs “drew upon their experience and passed this on to less senior investigators”. The publication of this document was a continuation of the move away from an autocratically led system to one of bureaucracy, whereby an increasingly professionalised and standardised process of investigation was developing (Innes, 2002).

At this time ‘Policing a New Century: A Blueprint for Reform’ (Home Office, 2001) was published and detailed concerns that surrounded policing and exacerbated the evident crisis in them. Concerns were that crime levels were too high, notably in regard to antisocial behaviour and violent crime, that fear of crime levels were too high, that there was too much

difference in police performance between different police forces and, finally, that public confidence in them was falling (Home Office, 2001). In response the Police Reform Act 2002 was established. In moves towards increased accountability Police Standards Units were introduced under the Act, which would monitor individual forces and step in when they were identified as underperforming (Golding and Savage, 2008). The role of the HMIC<sup>9</sup>, which was established in 1856 and has responsibility for assessing the efficiency and effectiveness of policing (Cowley and Todd, 2006), was also changed under the Police Reform Act and it was given responsibility for constructing the ‘Police Performance Assessment Framework’ a:

Comparative performance framework which used HMIC ‘baseline assessments’ of police performance across the ‘families’ of forces to judge how well forces were performing in the ‘performance areas’ such as tackling crime and serious crime, protecting vulnerable people, satisfaction and fairness and resource and efficiency. (de Maillard and Savage 2012, p369).

The IPCC was also introduced under the Act and replaced the Police Complaints Authority (PCA), which had been established in 1984 following the Scarman Inquiry into the Brixton Riots (Savage, 2007). However, the PCA did not go as far as Scarman recommended (Savage 2007, p32). Thus, Savage (2008) notes that it was the Stephen Lawrence case that would lead to the creation of the IPCC and “push reform all the way”. Savage (2008, p45) argues that whether or not a system failure leads to change depends upon the “balance of power and influence holding at that conjuncture”. This is reminiscent of the aforementioned Black Panther case whereby an inquiry was not held, something that changed after the Yorkshire Ripper case. Now, the IPCC is able to conduct its own investigations, unlike the PCA, and is generally considered to have more power (Jones, 2008). Undoubtedly, this is a further indication of heightened accountability.

New Labour introduced the Human Rights Act (HRA) shortly after coming into power. The European Court of Human Rights (ECHR) grants certain rights to individuals, which include: the rights to life, the rights to a fair trial and the right to privacy, amongst others (*Great Britain. Human Rights Act 1998*). The Senior Investigating Officers’ Handbook states that the Articles most relevant to the investigation of crime are: the right to life, the right to liberty and security, the right to a fair trial and the prohibition of discrimination (Cook and Tattersall, 2010). However, not all of the rights that are granted by the ECHR are absolute

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<sup>9</sup> In the summer of 2017 the HMIC became responsible for England’s fire and rescue services (Her Majesty’s Inspectorate of Constabulary Fire and Rescue Service, 2017).

and are actually subject to “considerable flexibility of interpretation” (Neyroud 2008, p674). Cook and Tattersall (2010) outline the instances in which the Articles may be breached during the course of an investigation. They write that Article 8, the right to respect for private and family life, may only be breached if it is “necessary and proportionate for some activities to take place”, that principles may only be breached if that is “the only or most suitable way to achieve the objective and that other alternatives have been considered” and, finally, if a breach is considered to be necessary to the investigation “the activities must be proportionate to what is sought to be achieved by carrying them out” (Cook and Tattersall 2010, pp. 27-28).

Bullock and Johnson (2012) examined the impact of HRA on policing in England and Wales, conducting interviews with 20 warranted officers and civilian staff. With particular focus on Articles 8 to 11, they found that the Act has “failed to embed a culture of human rights awareness in policing”, but has made officers “justify and document their rationale for breaching human rights in ways that render their actions visible and open to audit and inspection” (Bullock and Johnson (2012, pp. 646 – 647). The officers regarded the Act positively and explained that it allowed them the appropriate capacity to perform their role and, particularly with the use of covert surveillance, allows them “to target offenders lawfully” (Bullock and Johnson 2012, p643). Contrary to what Bullock and Johnson (2012) expected to find, it was not considered by those interviewed to be a hindrance to their day to day work, but the officers did believe that bureaucratic procedures and processes sometimes delayed them.

The impact of the HRA upon policing is evident through consideration of the National DNA Database (NDNAD) and the storage of other data, which, it has been argued, sits in conflict with Article 8 (Williams and Johnson, 2005). Bramley (2009, p315) notes that the law in England and Wales has:

Progressively widened the range of persons from whom samples can be taken, eased the restrictions on who can take them, and allowed for the permanent retention and continued use of the samples and DNA profiles to facilitate the identification of repeat offenders through speculative searching of the NDNAD.

In 2003 the Criminal Justice Act was amended to enable the police to obtain a sample from any individual who is arrested for a recordable offence, regardless of whether or not they are eventually charged (Bramley, 2009). Carling (2008, p496), writing about the differences between the United Kingdom and the United States’ use of DNA in criminal investigations,

suggests that the courts in the United Kingdom appear to “value the effectiveness of a large database over privacy concerns”. DNA and the NDNAD will be discussed further in the next chapter.

A related piece of legislation was also implemented following the establishment of the HRA. The Regulation of Investigatory Powers Act 2000 (RIPA) is responsible for ordering the “interception of communications, intrusive surveillance and the use of covert human intelligence sources” (Newburn *et al* 2007, p670). Before its introduction, there existed no appropriate protections with which to monitor this form of covert policing (Clark, 2007). Whilst there were some attempts to provide safeguards through the Data Protection Acts 1984 and 1998, the Police Act 1997 and the Intelligence Services Act 1994 (Clark, 2007), it was the HRA and the need to satisfy the European Convention on Human Rights that ultimately led to the implementation of RIPA (Clark, 2007). Perhaps most controversially RIPA sanctions the interference with Article 8 of the European Convention on Human Rights, the right to a private and family life, so long as the activities that are to be taken are “necessary and proportionate to the ends sought to be achieved” (Clark 2007, p430).

In times of rapid technological and scientific advancements, RIPA has an important role to play in incorporating the technological changes that may be used in investigations (Lewis, 2008) and it has also been described as ensuring professionalism in the way that intelligence is used. The following quote by Neyroud and Disley (2008, p553) emphasises how RIPA has moved to regulate detectives and their use of covert surveillance, arguing that it has:

Transformed covert investigations from the arcane and unregulated pursuit of a small group of detectives to a highly regulated process, subject to detailed formal codes, substantial national guidance and oversight and inspection by the Office of the Surveillance Commissioners.

The increased regulation of detective work becomes further apparent.

#### The Professionalising Investigation Programme (PIP)

As documented earlier, the emergence of criminal investigation as a key aspect of policing was slow. Similarly, for many years “informal apprenticeship was the rule” (Morris 2007, p19). When CID was introduced it took a long time for the detectives working within them to develop experience of investigations due to the irregularity of homicides. The Metropolitan Police were responsible for assisting smaller forces when required (Stelfox, 2015). Despite the growth of police forces during the twentieth century and the diminishing

need for them to call on others, a lack of formality regarding training remained (Stelfox, 2015). Additionally, due to the casual nature of the training that was available, there was no method by which to measure the competency of detectives and it relied upon the judgement of the individual's supervisor. Specifically, learning on the job was the prime way in which detectives learnt. As a consequence of this approach there were "variations of practice both between and sometimes even within forces" (Stelfox 2015, p100). There was also a belief that investigative work was similar to that required in other areas of policing and so specialist training was not required.

Therefore, whilst the investigation of homicide in England and Wales was subject to significant reform, some of which have been detailed in this chapter, the "selection, training and development of SIOs, who had the most responsibility for delivering change on the ground, continued pretty much as it always had" (Stelfox 2015, p104). Maguire and Norris (1992, p22) found that the training of detectives was characterised by learning 'on the job' and they would often only attend training having already spent time in the role and in some cases having already developed "dubious habits". Further, they found that the focus of training was upon learning legislation and it lacked focus on ethical issues and the dangers of wrongful convictions (Maguire and Norris, 1992). The introduction of the Professionalising Investigation Programme (PIP) was finally realised in 2005 in a bid to provide a standardised approach to training for SIOs and others involved in investigating crime. The introduction of formalised training can also be partly attributed to the growing complexity of investigations that has resulted from advances in science, technology and legislation, which would have rendered learning from peers alone insufficient. This is recognised by Rogers (2010). Although referring to the training of police officers, Rogers (2010, p269) explains that changing "public, society and community expectations" have driven the police to change the way that police officers are trained so that it "supports a more professional approach to the delivery of its services".

According to the College of Policing website (2015a) PIP provides a:

Structured development programme to embed and maintain investigative skills for police officers and police staff. It aims to deliver the capability to conduct professional investigations at all levels within the police service and in other sectors of Law Enforcement.

In an illustration of the move towards the professionalisation of training PIP also provides "consistent registration, examination, learning, work-place assessment and accreditation to a

national standard at each level” (College of Policing, 2015a). The College of Policing Authorised Professional Practice (2017) describes the levels of training as follows:

Level 1 – priority and volume crime investigations

Level 2 – serious crime and complex investigations

Level 3 – major investigations

Level 4 – strategic management of highly complex investigations

Those intending to act as SIOs in homicide investigations must achieve PIP Level 3 accreditation. To obtain this individuals must undertake the Senior Investigating Officer Development Programme (SIODP). This comprises two stages; an initial course followed by a Hydra Course. The initial course is residential, three weeks in duration and follows a case study format (College of Policing, 2015b). According to the College of Policing (2015b) the course “explores the practical, legal and managerial issues around a reactive investigation”. Once officers have completed this stage they are required to return to the workplace for at least three months before they become eligible to attend the Hydra course (College of Policing, 2015c). Again, using case studies, this element lasts for one week and gives participants the opportunity to put into practice the skills that were obtained during the initial course (College of Policing, 2015c). Stelfox (2015, p105) writes that PIP 3 has “sought to provide Chief Officers with the confidence that SIOs are selected, trained and developed to a national standard that ensures they are able to meet these challenging demands”.

Although introduced in the mid-2000s there has been a lack of evaluation of PIP (James and Mills, 2012; Tong, 2009). However, a study of CID was commissioned as a result of concerns about a shortage of trained and experienced detectives and that serious crimes were not being effectively investigated and detected (Chatterton, 2008). The findings of the report raised concerns around PIP. Senior Management Teams (SMTs) were driven by performance management and were thus unwilling to invest in professionalisation to the detriment of trainee Detective Constables (TDCs) (Chatterton, 2008). Specifically:

This report reveals that there is a serious skills and experience deficit in General Office CID. Detectives are simply not being fully trained. It is vital for Chief Officers to facilitate and support the Professionalising Criminal Investigation Programme (PIP). (Chatterton 2008, piii).

The report also highlighted that often individuals from the General Office CID will be the first to attend a suspicious death, as opposed to a member of the Major Incident Team. Thus,

potential consequences of the lack of training, and indeed other issues identified within the report become apparent, since it is these individuals who will be responsible in “determining the ‘correct’ definition to apply to an incident” (Chatterton 2008, p22).

The introduction of PIP is a further example of the drive towards increased professionalisation of detective work and investigations. James (2013) writes that there has been a concerted effort to professionalise what was once viewed as ‘craft’, whereby detective work is viewed as being developed through “natural instinct and experience” (Innes 2003, p9). Further, according to James and Mills (2012) the establishment of PIP would indicate a shift from detective work being seen as a craft to a science “in the perspective of detective as ‘scientist’, there is an inherent expectation that many will be able to attain the status of detective, as science can be taught to exact principles in the classroom and the workplace” (Tong and Bowling 2006, p324).

Interestingly, however, the literature reveal that detectives prefer to learn from experience as opposed to books, suggesting that the perspective of detectives is one in which their work as craft or artistry dominates (Innes, 2003).

As well as a lack of research regarding detective training, there has been a lack of attention upon detective skills (Westera *et al.*, 2014). The work of Smith and Flanagan (2000) is one exception. Through interviews with 40 officers with experience of working in CIDs they identified 22 core skills that they grouped into three categories: investigative ability, knowledge levels and management skill (Smith and Flanagan 2000, pv). The importance of experience of CID was also revealed as, “SIOs cannot be taught everything in the classroom” (Smith and Flanagan 2000, p45). Whilst the training of detectives has become standardised and professionalised, particularly when we consider its origins, it is clear that a more thorough evaluation of today’s training, and detective skills more broadly, is needed, a point heightened when we consider the complex nature of modern-day homicide investigations.

### Late Modernity and Risk

I mentioned earlier that a growing preoccupation with risk sits at the heart of much change that was occurring at this time. It is therefore necessary to consider this further, as many writers, including Garland (2003), Feeley and Simon (1992), Beck (1992) and Kemshall (2003), suggest the focus on risk is an important feature of late modernity, or the period from the late 1970s onwards. Kemshall (2003, p7) explains that whilst modernity was



characterised by “faith in reason [and] knowledge”, late modernity is characterised by “global risks, indeterminate and contingent knowledge about the probability of such risks, and uncertainty over future outcomes and impacts”. Indeed, although the origins of the term are said to be contentious and there have been changes in the meanings that are attached to it, Stalker (2003) writes that throughout the 19<sup>th</sup> Century it was gradually associated with negative events, which remains today. This negativity has engendered concerted efforts to try and manage risk. When we consider the developments that have taken place in respect of both policing and homicide investigations, which have been outlined throughout this chapter, it is possible to see the influence of the growing preoccupation with risk. In particular, it might be considered responsible for the influx of legislation, policies and procedures, which have been said to have substantially increased bureaucratic procedures in policing.

This was considered in 2008 when a review of policing was requested by the then Home Secretary in response to concerns that policing had become overly bureaucratic. Led by Sir Ronnie Flanagan the review “identified risk aversion as a primary cause of bureaucratic processes” (Heaton 2011, p79). The report identified two triggers that impact upon the way in which processes have been designed. These were, firstly, an internal trigger based on the “just in case” approach, which results in processes that are intended to account for the “worst case scenario”, and the impact upon those who will be responsible for implementing the new processes is not considered (Home Office 2008, p52). Secondly, an external trigger was considered to be the “this ‘must never happen again’” response, which leads to the response that is outlined above (Home Office 2008, p52). The Home Office (2008, p52) goes on to note that police services are now expected to have “anticipated events and incidents that are well beyond their control”.

The problems that are associated with this are clear since the very nature of the work of the police, and detectives, is that it is inherently risky and is such that things might go wrong (Savage, 2008). Indeed, as has been demonstrated in this chapter, there have been several examples of miscarriages of justice and other cases in which concerns about the investigation have been raised over the years, as well as periods of falling confidence in policing despite much change. Therefore, it is possible to see why the response has been to input processes to ensure that mistakes are not repeated in the future, as the Home Office (2008) found. It is not just the police that are on the receiving end of such approaches. Similar responses can be found in respect of deaths of children known to Social Services (Turnell *et al* 2013, p200).

The ‘errors’ of Social Services and responses to them are a useful comparison to the investigation of homicide by detectives as, like the police, social workers are “working with fallible data” (Munro 2005, p542). They also face substantial political and media pressures and this has also increased as a consequence of notable cases, such as the death of baby ‘Peter’ in 2007.

Munro (2010, p1146) draws on the work of Hood *et al* ((2001) in arguing how efforts to reduce risk in child protection is that of implementing additional procedures that set out how things should be done. Munro (2010, p1146) goes on to argue that the purpose of such an approach allows “senior management [to] demonstrate how their staff followed all correct procedures in working with the case and therefore cannot be blamed”. The proliferation of legislation and guidance for homicide investigations and investigators are examples of similar responses. Munro (2005, p541) highlights that such strategies may be flawed and could cause professionals to follow procedures rather than their judgement.

It has been argued that this is also the case for homicide investigation with its various guidelines, with the consequences of such approaches leading to a ‘tick box’ mentality. This might be seen as an example of how systems implemented to manage risk serves to replace trust in professionals (Kemshall, 2003). Examining the role of flair in major crime investigation Fox (2014, p13) found that some detectives viewed the MIM, for example, as providing a “prescriptive list of activities” that have to be followed. He also found that “several respondents held the view that the existence of national police guidance might create a ‘tick box’ mentality or even risk averse mentality amongst police investigators” (Fox 2014, p13). Fox (2014) highlights that this was not the intention of such guidance. The government have acknowledged the notion of ‘tick box’ approaches. In 2011 the then Home Secretary, Theresa May, said “we need to move away from the tick box, cover your back culture - where the response is rigidly prescribed according to the type of problem reported. And instead we need to adopt a more sensible way of managing risks to the public” (Home Office, 2011).

Although she does not refer to homicide investigation, the work of Fox (2014) indicates that this promise has yet to be fulfilled and that major crime investigation is similarly affected. Further in 2017 the Police Federation spoke of “grinding” bureaucracy in policing that is preventing them performing their jobs effectively (Marsh, 2017). Based on research conducted with detectives in New Zealand and Australia, Westera *et al* (2016) also found that

onerous bureaucracy was hindering investigations. They attributed the increase in processes to the “public desire for accountability” (Westera *et al* 2016, p204). It might be that the need to manage risk is seen to be greater than the need to deal with growing bureaucracy in policing.

### The Current Picture

The 2010 UK General Election, a contest that Downes and Morgan (2012, p186) believe will be afforded “historical significance”, saw the formation of a Conservative and Liberal Democrat coalition government led by David Cameron and Nick Clegg. Notably, and in an echo of the election campaigns that took place before the 1970s, ‘law and order’ did not feature as a major issue (Downes and Morgan 2012, p189), but the following approach was formed:

Out went the Liberal Democrat undertaking to provide more beat police officers. In went the Conservative plan for directly elected police commissioners. Sentencing policy and the case for a bill of rights was to be reviewed. ID cards were immediately scrapped. Civil liberties in various guises was to be restored.

According to Garside and Ford (2015, p6) the establishment of the Coalition government signalled the end of what were the “generous budgets” of New Labour and an emphasis on austerity and cuts. In 2010 a Comprehensive Spending Review that included a 20 per cent cut to the police budget between 2011 and 2015 (HMIC, 2014) was implemented. This was to be acted upon “without reducing ‘front-line’ services” and led to “agonised soul-searching about what exactly is the core mission that must remain sacrosanct” (Reiner 2013, p162). The then Home Secretary, Theresa May, was heckled at the 2012 Police Federation conference in response to the announcement. Eventually, the numbers of police officers fell by 20,000 (Institute for Fiscal Studies, 2017).

Broader changes have also taken place. The coalition government introduced Police and Crime Commissioners (PCCs) to replace Police Authorities. The PCC would be responsible for appointing and dismissing Chief Constables, holding them to account, determining priorities and the police budget, as well as having the authority to request reports at any time from the Chief Constable on policing functions (Raine and Keasley, 2012). According to Raine and Keasley (2012, p123) the government believed that “directly elected PCCs would resolve the problem of weak democratic control at police force level, by enhancing

accountability and providing a more active and visible form of leadership in police governance”.

The need for increased accountability of policing has dominated many changes that have been made to the service over the last 30 years and the introduction of PCCs are a further example of this. Further, in 2013 the Association of Police and Crime Commissioners requested a review of ACPO leading to recommendations that a new body be established (Parker, 2013). ACPO was closed down in March 2015 and replaced by the National Police Chiefs’ Council (National Police Chiefs’ Council, n.d.).

Relations between the police and the government appear to have become increasingly strained over the last few decades and this has not abated. After the 2015 General Election the Conservatives returned as a majority government with Cameron at the helm. This followed an election during which, according to Rogers (2015), there was little debate on law and order despite the drop in numbers of police officers and staff. Turbulent times were to continue and the Prime Minister stepped down in the summer of 2016 after the United Kingdom voted to leave the European Union. Already unpopular with the police, former Home Secretary Theresa May is now Prime Minister and concerns around policing and investigations continue to surface.

In a report on police effectiveness the HMIC warned that police budget cuts have led to concerning practices in several forces, warning that this could spread to other areas if matters are not addressed (HMIC, 2017). In a foreword for the report, the Inspector of Constabulary writes that it “raises a large and deep-red warning flag” and practices such as reclassifying emergency calls due to shortages of officers and reclassifying high-risk victims of domestic abuse to medium risk are “seemingly the unintended consequences of changes that forces have made, often in response to the challenge of austerity” (HMIC 2017, pp. 4 – 5). The report also highlights that there is a shortage of detectives across England and Wales and presents several reasons that police services have been unable to meet the demand for investigative capacity (HMIC, 2017). Firstly, it suggests that officers are reluctant to become detectives due to the workloads, lack of mentor support for trainees, issues with working hours and pay, as well as the “intense scrutiny individuals are under should there be some form of investigative failure” (HMIC 2017, p52). Secondly, it suggests that it takes time to replace skills and experience, also noting that police services are struggling to retain those

with such experience (HMIC, 2017). Thirdly, it reports that the numbers of civilian investigators have reduced, which has increased the pressure on detectives (HMIC, 2017).

Steps are being taken to address the shortage of detectives, one of which is the introduction of direct entry. The Metropolitan Police Service introduced direct entry for detectives in 2016. They stipulated that volunteer officers who had been in the service for 6 months could apply to become a detective (Weinfass, 2016). This was extended in 2017 to allow individuals outside of the police service to apply, as long as they held a degree level qualification (Weinfass, 2017a). More recently Thames Valley Police and Suffolk Constabulary have followed suit (Weinfass, 2017b). However, the point made by the HMIC that it takes time to replace investigative skills and experience is pertinent. Whilst the moves toward direct entry are being made, a media report in July 2017 stated that the Metropolitan Police were struggling with demands following the recent terror attacks and the Grenfell Tower fire (Brunt, 2017). It was reported that retired detectives have been contacted and asked if they would return to the police service so that demands might be met (Brunt, 2017).

Finally, although this chapter has focused upon a number of what might be considered particularly influential cases in the reform of homicide investigations in England and Wales, it is acknowledged that these are not the only cases that have led to concern and change over the years. There is not the scope to review these fully here, suffice to say there is evidence to suggest that many of the changes that have been outlined in this chapter have seemingly not fully resolved problems with investigations of homicides in England and Wales. Lastly, recent figures show that the homicide detection rate is approximately 90% (Brookman *et al.*, forthcoming) and has not seen a substantial rise over the years. This also leads us to question the efficacy of the changes that have been made.

### **Explaining Change**

Rogers and Gravelle (2012, p420) write that “policing does not operate in a social, political or economic vacuum”. Consequently, many aspects of policing policy and practice, have been, and will likely always be, shaped by numerous influences. In addition, Matassa and Newburn (2007, p43) note, “the factors driving change are varied and complex”. Therefore, the challenge of accounting for change must first be acknowledged before its explanations considered. Specifically, whilst it is possible to identify certain explanations for change, much of the literature emphasises that explaining it is a more complicated endeavour than

might be anticipated. Hart (1996, no pagination) writes that “issues as diverse as individual psychological phenomena to macro economic and political theory all potentially have their place in explaining organisational change”. Pettigrew (1990, p269) also states “explanations of change are bound to be holistic and multi-faceted”. Pettigrew (1990, p269) advocates an appreciation of the complexities of change and taking into account context and time (see also Pettigrew *et al.*, 2001):

Beware of the myth of the singular theory of social or organisational change...For the analyst interested in the theory and practice of changing, the task is to identify the variety and mixture of causes of change and to explore through time some of the conditions and context under which these mixtures occur.

A driver of change that has already been discussed in this chapter is society’s preoccupation with risk. As shown earlier, this has been widely documented (Beck, 1992; Feeley and Simon, 1992; Garland, 2001; Kemshall, 2003) and it has been deemed a key feature of late modern society: “Late modernity has transformed risk from a probabilistic, calculable artefact to risk as uncertainty, plagued by indeterminate knowledge and subject to a number of “it depends”” (Kemshall 2003, p8).

Van Marle and Maruna (2010, p9) write that the move to late modernity disturbed our “fundamental psychological need for a sense of predictability and continuity” leading to the emergence of ontological insecurity. This is attributed to changes at this time which caused, for example, job insecurity and the “disembedding of social systems” (Garland 2001, p155; van Marle and Maruna, 2010). This generated an overall preoccupation with risk as well as a fall in tolerance of deviance and an increase in punitive views (van Marle and Maruna, 2010). Crucially, the preoccupation with risk has led to efforts to try and manage it as risk aversion, in particular, takes hold. The impact of this on policing is significant; as Bishop (2015, p79) puts it “risk management in policing is at the heart of everything that is carried out”. In addition, discussing criminal investigation specifically, Matassa and Newburn (2007) acknowledge the influence of risk in driving change. This literature review has shown that concern with risk has been deemed responsible for an increase in bureaucratic procedures in policing (Heaton, 2011). Furthermore, the emergence of risk preoccupation as part of late modernity, which is said to be from the late 1970s onwards (Kemshall, 2003), might explain why an inquiry into the 1975 ‘Black Panther’ case was not held, but that the concerns around the Yorkshire Ripper investigation led to the Byford Inquiry.

Society's expectations have also changed and this too is said to have influenced policing. Bryett (1999) describes several precipitators of change in policing including the changing nature of crime itself and changes to society. Bryett (1999) argues that improved living and education standards have increased society's expectations of those in positions of authority and made them more likely to voice concerns. Garland (2001, p86) makes a similar point regarding society's expectations, but discusses this as a consequence of the growth of the electronic mass media, which he says led to "a greater level of transparency and accountability in our social and governmental institutions". Furthermore, the importance of society's expectations are, according to Stelfox (2015), especially important as he argues that we hold particularly high expectations of the police when they are investigating homicide. Therefore, it might be said that any instances in which these expectations are not met will be more likely to lead to change. Evidence of this has been presented in the chapter.

There are influences of change specific to policing that should also be considered. van Dijk *et al* (2015) present ten drivers of policing change. Firstly, they explain that there has been a "general socio-political move to the right in recent decades, with an accompanying discourse around crime, fear of crime, migration, security/safety, organised crime and terrorism" (van Dijk *et al* 2015, p11). These have been accompanied by more punitive views of crime and calls for harsher sentencing. Secondly, they cite the increase in central control of policing. Thirdly, they refer to the advent of NPM, which as we have seen in this chapter commenced under Thatcher's conservative government, but did not abate under New Labour. van Dijk *et al* (2015) explain that this led to a focus on efficiency and measuring of performance. Bryett (1999) and Savage (2007) also recognise the introduction of NPM upon driving changes in policing. Crucially, the influence of NPM upon homicide investigation has been recognised. Brookman and Innes (2013), for example, considered NPM partly responsible for an increase in processes and procedures. A fourth driver of change is the "movement to open up policing to people with managerial and other skills through lateral entry and to alter the dominant police culture by appointing civilians to high positions" (van Dijk *et al* 2015, p13). The introduction of Police and Crime Commissioners is cited as an example of this. The fifth driver of change is the shift in view of the public in that they are now considered to be customers, which has altered the way in which the police communicate with them, leading to an increase in the use of social media to do so (van Dijk *et al.*, 2015). Sixth, the "global war on terror" has resulted in changes in policing (van Dijk *et al.*, 2015, p14). Relatedly, the seventh driver of change is named as the focus upon counter terrorism, which has led to the

creation of new components, such as, the National Crime Agency, which also “reinforced the tendency to centralisation” (van Dijk *et al* 2015, p14). The eighth driver of change, technology, is described as having shaped policing considerably (van Dijk *et al.*, 2015). Indeed, scientific and technological changes and their impact upon homicide investigations will be the subject of the following chapter and is considered by Stelfox (2009) to be a driver of change in criminal investigation. Moreover, technology is considered to be an important driver of organisational change in general (Bayerl *et al.*, 2013; Huczynski and Buchanan, 2007; Sendrea, 2017). The penultimate driver of change cited by van Dijk *et al* (2015) refers to an increase of police staff. This has been the consequence of both advances in technology, which has prompted the need for specialisation, but also the “need to economise” (van Dijk *et al* 2015, p14). There is evidence of this having influenced homicide investigation as this chapter has shown. Finally, the growing impact of the media is the tenth driver of change offered by van Dijk *et al* (2015) and which was also acknowledged by Garland (2001).

Explaining changes to policing will undoubtedly help us to explain why homicide investigation has changed. However, miscarriages of justice and other problematic cases have been highlighted as driving changes to homicide investigation in particular. Stelfox (2009, p33) considers “concerns over police effectiveness and conduct in criminal investigation” to be one of three drivers of change. Savage (2007, p11) also cites this a force for change in policing, referring to “systems failure”. To illustrate, the implementation of PACE followed a miscarriage of justice in a homicide investigation and the murder of Stephen Lawrence led to considerable changes in the investigative process. Perhaps an obvious explanation for such cases driving change is that the seriousness of homicide is such that it engenders a strong response from the public, which links to Stelfox (2015) point about the status of homicide. Consequently, flaws in its investigation are deemed unacceptable. As Innes *et al* (2010, p31) found, “a poor police response [to a homicide] is more likely to have a negative impact, than a good response has a positive one”. Unsurprisingly, then, miscarriages of justice and other problematic cases serve to damage the legitimacy of the police service and they must find ways in which to repair it (Mawby, 2012). That being said, the government refused to hold an inquiry to examine the issues with the ‘Black Panther’ investigation, believing this to be the responsibility of the police (Bilton, 2012).

Roycroft *et al* (2007) discuss why certain homicide cases attract the public’s attention and lead to reform. They suggest that enquiries into problematic cases become a:



Potentially pivotal point in the development of policing wherein a disposition of policing and its organisational routines is in tension with the development of morals, values and standards in society more generally. This tension is relieved by these pivotal cases wherein policing is reformed and thus brought up-to-date with wider current social norms and mores. (Roycroft *et al* 2007, p153).

They propose a model to illustrate what elements come together to prompt this process. The authors firstly refer to foreground triggers, which “support the need for reform”. Examples include the presence of a ‘true victim’, investigative failings and the need to illuminate the cause of the investigative failure (Roycroft *et al* 2007, p154). According to the authors, for the process to gain momentum, the ‘true victim’ will belong to a disadvantaged group about whom there are already concerns. These concerns will revolve around their standing in society and how the criminal justice system usually respond to them (Roycroft *et al.*, 2007). These are referred to as the background agenda. Next, the identification of an investigative failure will serve to connect with the “sense of disadvantage and stigma attached to this group”, which will also reinforce the declining trust of that group and of society (Roycroft *et al* 2007, p155). The final element of the model is the recognition that failings can be “redressed by a particular policy solution” (Roycroft *et al* 2007, p155). Finally, the mass media will play a significant part in maintaining the impetus, and this is particularly effective when they focus upon the foreground triggers and background agendas. The model is applied to the Yorkshire Ripper case by the authors as follows:

1. There were suitable vulnerable ‘pure’ victims.
2. They were members of an at risk and disadvantaged group (women).
3. The failures of the investigation were manifest in that the assailant was only caught after an extended period during which time additional victims were killed.
4. The failure of the police to provide appropriate levels of protective service contributed to a climate of fear and declining trust.
5. This amplified the need to find out why the police were unable to catch the perpetrator.
6. This was further stimulated by the presence of the advocates (victims’ mothers) who were provided a politically powerful voice via mass media coverage.
7. In addition, there was a policy solution being actively promoted from within the police service – the better management and cross-referencing of information by means of computerisation of police data.

(Reproduced from Roycroft *et al* 2007, p156).

This suggests that change is driven by a multitude of factors including the “external contexts and triggers that amplify the public and political visibility of particular police investigations, and result in recommendations for procedural and technological change” (Roycroft *et al* 2007, p149)

At this point it might be useful to describe Kingdon's (1984) multiple streams approach. In a bid to understand how certain issues come to attention and become liable to change over others, Kingdon (1984) suggested that change occurs when three separate streams come together at the same time during a brief 'window of opportunity'. The three streams are the problem stream, whereby a problem occurs and comes to the attention of policymakers, the policy stream, where there is an available solution to the problem that has been identified and, lastly, the politics stream, whereby there must be the political will or motivation to step in and turn the proposed solution into policy (Kingdon, 1984). This links somewhat to the work of Roycroft *et al* (2007) in that it similarly features the idea that for change to occur various elements converge and create the appropriate conditions.

It is not just within policing that failings can lead to change and this has been acknowledged in the wider organisational literature. Weick and Quinn (1999, p362) explain that organisational change often follows some form of failing and that the "basic tension that underlies many discussions of organisational change is that it would not be necessary if people had done their jobs right in the first place".

Sendrea (2017) also cites crises as leading to change in organisations. Although the crises in these contexts might refer to the failure to launch new products the commonalities with what drives change in policing and other organisations is again evident. However, again, the public hold high expectations of the police in respect of homicide investigation (Stelfox, 2015) and so it is suggested that both this and the devastating repercussions of failings are what set the police firmly apart from other organisations when we consider what drives change.

This section has shown that an array of elements has shaped the changing nature of policing in England and Wales. Finally, such influences of change are not static and so policing will likely undergo continuous change:

The external factors such as legislation, government policy and the expectations of the public will all influence the future direction of policing. Local, national and international issues will create an ever increasing need for the police to react and alter their strategy to meet these needs. (Meaklim 2015, p151).

## **Conclusion**

It is important to emphasise that much of the literature around change to policing does not refer to homicide specifically. For instance, Savage (2008) considers what drives changes to

policing as a whole and Matassa and Newburn (2007) refer to criminal investigations generally. Consequently, it is not clear whether existing explanations and drivers can be applied to homicide investigation specifically, to help us to fully understand why *homicide* investigation has changed in the ways that have been presented throughout this chapter.

In this chapter I have made reference to technological developments. In Chapter Three that follows the literature pertaining to technological and scientific advances are discussed in detail. Whilst science and technology have impacted most aspects of policing, and organisations in general as we saw above, it is suggested that they have had been particularly influential in shaping homicide investigation.

## **Chapter Three**

### **A Review of the Technological and Scientific Advances in Homicide Investigation**

In this chapter the literature surrounding the emergence of key technological and scientific techniques, principally those relevant to the investigation of homicide, will be considered. The pace of scientific and technological change in recent years has been rapid and it is because of these extensive developments that this particular aspect of investigations has been assigned its own chapter.

I begin with a brief history of the use of science and technology in criminal investigation, before discussing what is perhaps the most well-known forensic tool, DNA. Next the use of the Home Office Large Major Enquiry System is presented. The uses of passive data sources that play a critical role during the modern day investigation will then be deliberated, as will the role of social media in the investigation of crime to reflect recent progress. There are conflicting views about how far these developments have changed policing (James, 2003) and so I also consider what the literature says about the role of science and technology in the and conclude with a discussion on the art, craft and science of detective work.

#### **The Use of Science and Technology in Criminal Investigation: A Brief History**

Whilst the use of technology and science in criminal investigation is largely associated with modern day investigations, there is evidence that there was an awareness and appreciation of basic techniques dating back to the 18<sup>th</sup> Century. However, Cooper and Mason (2009, p286) note that it is difficult to assess the early impact of forensic science due to the: “rather primitive nature of early performance data”.

Nevertheless, Pike (1978, p23) notes that “comparisons of bullets with firearms, fibres with clothes, marks with instruments” have a long history and provides examples of cases in which such basic techniques were successfully adopted. In one case, police investigating a burglary in 1740 matched a broken knife found on a suspect with a piece found at the crime scene (Pike, 1978). Similarly, the photography of crime scenes was employed during the investigation into the ‘Jack the Ripper’ murders, which occurred between 1888 and 1891, when they were taken by a local photographer, before concerns were raised about security

and the police began to perform this role themselves (Pike, 1978). The ‘Jack the Ripper’ investigation also saw an early attempt at forensic pathology when, during one of the autopsies, Thomas Bond<sup>10</sup> tried to develop a profile of the offender by observing the injuries that had been inflicted (Monckton-Smith *et al.*, 2013). Bond made certain determinations about the offender’s occupation; income, habits, motives and appearance based on the findings and presented them to the Head of CID (Rossmo, 1999). Also around this time, progress was being made in France with the development of tests to establish the presence of semen, ways of identifying cases in which victims had been strangled and methods to detect soot and carbon monoxide in the lungs (Monckton-Smith *et al.*, 2013).

Despite these early moves towards the increased use of forensic science and technology in criminal investigation, it appears that developments were slow and techniques remained in their infancy (Morris, 2007). Higgs (2011, p138) goes further and states “despite being at the forefront of the introduction of fingerprinting, the development of forensic science in Britain took place in a halting and erratic manner”. However, it is acknowledged that developments in science and technology as far back as 1901, including the fingerprinting system and the Criminal Records Office, could be seen as early moves towards professionalisation in criminal investigations (Matassa and Newburn, 2007). This was a trend that would continue and the role of science and technology in professionalisation would grow alongside its capabilities. Indeed, Manning (1977) would cite science and technology as one of the presentation strategies that the police service would come to use to appear professional.

Progress was made in the 1930s when Lord Trenchard, recently appointed as the Commissioner of the Metropolitan Police, was instrumental in introducing the first forensic science laboratory at Hendon (Ambage and Clark, 1994). Although a progressive move it was not without controversy. Initially consisting of six staff, the laboratory’s placement at the “elite” Hendon College was “unpopular with rank and file policemen” and was under used (Higgs 2011, p138). However, during the Second World War these obstacles were overcome and forensic science service, both at the Metropolitan police and regional laboratories, expanded as a result of “the greater prestige of science as a consequence of the War, and the advances made in scientific techniques” (Higgs 2011, p139). These laboratories were initially based in Cardiff, Bristol, Nottingham, Preston and Birmingham consisting of scientists not employed by the police (Williams, 2008). The value of such laboratories was

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<sup>10</sup> Thomas Bond was a surgeon and lecturer in forensic medicine who conducted the autopsy of Mary Kelly, believed to be the last of ‘Jack the Ripper’s’ victims.

becoming clear and it was the work of scientists at the forensic science laboratory of Scotland Yard that led to the technique of linking a suspect to a bloodstain with significant accuracy (History by the Yard, 2014). Continued expansion and developments meant that by the 1960s England and Wales had nine forensic science laboratories (Fraser, 2007).

The growing influence of science and technology in the investigation of crime is clear. The police service has undoubtedly capitalised upon developments that have taken place as part of modernisation (Senior *et al.*, 2007). Indeed, Stelfox (2009) considers science and technology to be a key driver for change in investigations. More broadly, Bayerl *et al* (2013) write that technology influences organisations and the police are no exception, as this chapter will reveal the many ways in which science and technology have shaped criminal investigations. Against this backdrop this I now consider some of the key techniques that feature today.

### **Deoxyribonucleic Acid (DNA)**

DNA is perhaps one of the most widely recognised forensic advancements in major crime investigations to have emerged since the 1980s. Barclay (2009) discusses how many miscarriages of justice of the 1980s were the consequence of investigative teams focusing upon suspects who had been personally selected by the SIO, arguing that advances in DNA signalled an important shift to being able to correctly identify and eliminate suspects. DNA has since been represented as a tool with an “unrivalled ability to ‘solve’ crime” (McCartney 2006, p175). It is often the key component in solving crimes during the criminal investigations that are played out on fictional television programmes and in research asking 32 Senior Investigating Officers: ‘what solves murder’, forensic material was said to contribute to solving cases in 32% of investigations (Roycroft, 2007). Its value in the investigations of cold case homicides has also been acknowledged (Allsop, 2017). The importance of DNA in homicide investigations seems clear and yet the role that it plays in homicide investigations has received little academic attention (Williams, 2017).

DNA is the “substance that carries an individual’s genetic information” (Fraser and Williams 2009b, p628). Whilst it was James Watson, Francis Crick and Maurice Wilkins who were awarded the Nobel Prize for discovering the structure of DNA during the 1950s (Taupin, 2013), Alec Jeffreys established the technique of DNA fingerprinting during the 1980s (Roux and Robertson, 2009). Through his work on genetics, Jeffreys found and was able to prove that there are differences between the blood samples of different persons (Bramley, 2009).

The benefits that the ability to create DNA profiles have generated are clear when considering that DNA can be obtained from many different sources and in small quantities. As Williams and Johnson (2007) note, it may be retrieved from blood left at a crime scene, hair that has been shed, from saliva and nasal secretions. This is a significant advancement of the techniques that were available to detectives 30 years ago when they were only able to determine blood groups and required a lot of blood in order to carry out such work. Upon making the discovery in September 1984, Jeffreys was soon to realise its potential value in immigration cases, paternity disputes and, crucially, criminal investigation. It was not to be long before his discovery was put to the test.

### The Pitchfork Case

In 1983 and 1988, 15 year-olds Lynda Mann and Dawn Ashworth were found raped and strangled in Leicestershire. Whilst a resolution in the case of Lynda Mann's murder had not been reached three years on, despite the significant police investigation, they soon had a suspect for Dawn Ashworth's murder after a seventeen-year-old boy was seen acting suspiciously near the scene. He was arrested and charged (Williams, 2017). Investigators were sure that the same individual was responsible for both murders but were not able to tie him to the murder of Lynda Mann. Leicestershire police decided to contact Alec Jeffreys in the hope that DNA profiling would provide the evidence that they needed. The tests were carried out, but proved that whilst the same man was indeed responsible for both murders, it was not the seventeen-year-old boy (Cooper and Mason, 2009). This young man thus became the first person to be exonerated through DNA (Aronson, 2005).

Left with no suspect the police held a mass DNA screening in a bid to find the perpetrator, asking men of a particular age group living in the area to voluntarily provide blood and saliva samples to be tested for matches (Aronson, 2005). Despite screening over 4,000 men a match was not found leaving the police with few leads, until, in 1987, they were contacted by a woman who reported that her work colleague, Ian Kelly, had boasted of cheating the screening process (Aronson, 2005). When interviewed Kelly admitted that he had given samples on behalf of a friend, Colin Pitchfork, who had claimed that he did not want to give a sample after previously being convicted of flashing (Aronson, 2005). DNA testing revealed that Pitchfork's profile matched that of the offenders' and he was arrested, charged and found guilty of both murders and sentenced to life imprisonment (Aronson, 2005).

Whilst this case was proclaimed by the media and the police for being the “first significant success for the use of DNA typing in forensic investigation” Aronson (2005, p130) argues that it was in fact the tip off from Kelly’s work colleague that provided the breakthrough. Jeffreys himself has described the breakthrough in the case as resulting from both DNA science and old-fashioned police work (McKie, 2009). Whilst the standpoint of Aronson (2005) is worthy of consideration, White and Greenwood (1988, p150) write that it:

is impossible not to speculate that, had not DNA fingerprinting been available, not only would Pitchfork have avoided detection (for the police admitted as recently as August 1987... that despite 7, 300 statements, 25,000 computer entries, and a £20,000 reward, they had no leads), but that the original suspect (who spent three months in custody until cleared by the DNA fingerprint evidence) might have been wrongly convicted.

Arguably then this case was also the start of the discussions that have subsequently been had with regards to the relationship between science and detective work.

The techniques that were employed in the Pitchfork case have since evolved, but DNA has continued to assist police investigations some 30 years since Jeffreys’ discovery. It is clear that this case brought the use of DNA in criminal investigation to the fore and saw it take its place as an important part of investigations. The introduction and expansion of the National DNA Database (NDNAD) in England and Wales is also demonstrative of this.

#### The National DNA Database (NDNAD)

Proposals for a NDNAD commenced in the early 1990s when the Forensic Science Service (FSS) and Association of Chief Police Officers (ACPO) agreed to join forces and explore the possibility of creating such a database (Bramley, 2009). Introduced in 1995 the NDNAD was used in the police investigation of domestic burglary, sexual offences and serious crime and its growth was initially slow (Bramley, 2009). However, this was to change and the database soon saw significant expansion.

Launched in 2000 the DNA Expansion Programme intended to ensure that the DNA of all known offenders was stored and would continue to expand until this objective was achieved (McCartney, 2006). With investment standing at £300 million in 2005 the confidence in the abilities of DNA was clear (Cooper and Mason, 2009). Although it has also been suggested that the introduction of the NDNAD and its expansion can also be attributed to the New Public Management (NPM) agenda, which focuses upon measuring and improving



performance, and so understanding this development goes beyond trust in DNA (Lawless, 2010). Nevertheless, the database has grown and the NDNAD Strategy Board's Annual Report disclosed that "at 31<sup>st</sup> March 2016, NDNAD held 5, 860, 642 subject profile records and 519, 678 crime scene profile records. In 2015/16, 292, 311 new subject profiles were loaded to NDNAD, together with 36,250 new crime scene profile records (Home Office 2017, p7).

Despite the trust in it there are concerns associated with the use of DNA, which should be considered since, alongside the government's investment in the DNA Expansion Programme, the Criminal Justice Act (2003) also extended police powers in regards to obtaining DNA samples. The Home Office (2004) states that S.10 of the Criminal Justice Act (2003) "replace the existing provisions about the taking of a non-intimate sample on the authority of an Inspector with a wider power to take a non-intimate sample from any person in police detention in consequence of his arrest for a recordable offence".

The caveat to this extension is that a sample may not be taken if one has already been obtained as part of the investigation (Home Office, 2004). Despite this, the extension of powers is clear and as a result "anyone who comes under police suspicion is liable to have a DNA sample taken, searched against the samples of the NDNAD and retained. The course that an investigation takes or whether a prosecution proceeds is of little, if any, significance" (McCartney 2006, p177).

With around 6 million samples of DNA currently being held on the database (Home Office, 2017) and the extension of police powers associated with its collection, it would seem that trust in the process is considerable. Research examining the impact of DNA upon crime reduction, although regarding volume crimes where DNA evidence is increasingly utilised, suggests that this trust is well placed. Bramley (2009, p316) notes "for cases where a DNA profile was loaded to the NDNAD, it was shown that the detection rate was significantly improved compared with cases where no DNA evidence was available".

However, there are concerns surrounding the NDNAD and these often relate to the privacy of individuals as their DNA profile does not just identify them, but can hold a considerable amount of data about that individual, such as illness, behavioural tendencies or familial issues not known to the person themselves (Williams and Johnson, 2005). Williams and Johnson (2005) highlight that police powers in regards to DNA, alongside other forensic techniques including fingerprinting, encroach upon the Human Rights Act 1998 and Article 8, the right

to respect for private and family life (*Great Britain. Human Rights Act 1998*). The issues around privacy that have circled the NDNAD are considered in an article by Carling (2008) who explores the differences in attitude between the UK and US towards the use of DNA in criminal investigation with particular focus upon the use of databases. Carling (2008) notes that use and effectiveness of the US version of the NDNAD, the FBI's National DNA Index System (NDIS), varies between states, which are largely a result of financial issues. Carling (2008) also explores the differences between the US and the UK in regards to who a DNA sample can be obtained from, as noted above, in the UK an individual arrested for a recordable offence will have their DNA taken and stored. In the US, however, this is "an unsettled legal issue" with Carling (2008, p495) citing a case whereby a court ruled that the "privacy interest of the person who has been charged, but not convicted, is not outweighed by the state's interest in taking a DNA sample". The scope of the NDNAD has clearly broadened since its inception, and yet Williams and Johnson (2005) stress that there is a lack of legislation designed to regulate it. The impact upon detectives during the course of a homicide investigation is clear since with a lack of regulation they must carefully negotiate these issues of privacy, as governed by the Human Rights Act, whilst trying to move forward with the case.

### **The Home Office Large Major Enquiry System (HOLMES)**

As we saw in Chapter Two, the failings of the Yorkshire Ripper investigation led to the Byford Inquiry. Several recommendations were outlined within the subsequent report and included the introduction of HOLMES. This followed concerns that the police had struggled to cope with the volume of information that was incoming using the paper systems that were then available. Indeed, the volume of information in this case was such that the Major Incident Room (MIR):

Heaved under the weight of four tons of paper and there were serious concerns as to whether the floor of the five-year-old police station could carry any additional load. Structural engineers advised that filing cabinets be placed around the walls instead of in the centre of the room. (Bilton 2012, p436).

HOLMES was developed to allow the police to electronically store information and for links between that information to be identified (Brookman, 2005). It is widely agreed that HOLMES has aided the police investigation of crime in improving "co-ordination and management" (Brookman 2005, p267). Certainly, Brain (2010, p245) writes that it "aided the process of investigation, disclosure, and eventual presentation in court" in respect of the

investigation into the Cromwell Street murders in the mid-1990s. However, some concerns surround the system. Innes (2003) found that SIOs use of the system was not always efficient and that too much information was often put through HOLMES. Innes (2003, p100) notes that the SIO could have appropriately focussed the investigation without using HOLMES to “filter out the irrelevant material”. The effective use of HOLMES is urged within Cook and Tattersall’s (2010, p167) ‘Senior Investigating Officers’ Handbook’, which emphasises that HOLMES is to assist an investigation and not run it; “the golden rule is that HOLMES 2 must not be allowed to dominate or take over an enquiry”. A further concern regarding HOLMES is that police services operate different versions of the system, with some forces continuing to use HOLMES 1, despite the development of HOLMES 2 which was introduced in response to concerns that the original system was “dated, overly complex and difficult to use”<sup>11</sup> (Brookman 2005).

Ultimately, as Maguire and Norris (1992, p61) note, HOLMES is not “immune from weaknesses, errors or even malpractice”. The shortcomings of the system were apparent during the Stephen Lawrence investigation. Innes (1999) writes that during this investigation the police found it difficult to assess the value of the masses of information that they received and that consequently information was placed onto HOLMES merely in the order in which the police received it. This demonstrates again that despite the recommendations of Byford and the subsequent establishment of HOLMES, police investigations at this time continued to struggle with the management of information. This was evident during the inquiry into the investigation of the murders of Holly Wells and Jessica Chapman in Soham in 2002, when HOLMES struggled again to “cope with the volume of information generated” (Roycroft 2008, p52).

Nevertheless the benefits of HOLMES cannot be denied. Bilton (2012) assesses that had the Ripper investigators had use of HOLMES, Sutcliffe would have been arrested earlier and seven lives would have been saved (Brain, 2010). This is explained in the following quote, which also gives some sense of the size of the task that the investigators faced:

By feeding 53, 000 vehicle owners’ names into the computer, resulting from the tyre tracks left at various murder scenes, they could have easily cross-checked the names of the 6, 000 Shipley area employees who could have received the new five-pound note found in Jean Jordan’s handbag in Manchester. Sutcliffe’s name would have

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<sup>11</sup> The Home Office recently halted a procurement exercise for HOLMES 3 with the Official Journal of the European Union stating that the “Home Office considers that improved value for money could be delivered through alternative sourcing strategies” (Bicknell, 2013).

been thrown up and with luck, he would have still been in possession of the car he used when he went to Manchester. The incriminating tyres would have been found. (Bilton 2012, pp. 540 – 541).

### **Passive Data Sources**

The Senior Investigating Officer's Handbook explains that investigators are able to obtain data from a wide variety of sources and advancements in technology have played a large part in broadening these possibilities (Cook and Tattersall, 2010). Passive data sources are defined as “information that is obtained from automated/mechanical systems” (Cook and Tattersall 2010, p230). Passive data is relatively new to criminal investigation according to Monckton-Smith *et al* (2013) and, although they provide investigators with lines of enquiry that they would not have had before, important considerations arise regarding civil liberties and privacy, which must be managed. The numbers of sources that fall into the category of passive data is substantial and include: customer information, information obtained from computers and financial information. However, Closed Circuit Television (CCTV) and communications data are adopted most frequently during major crime investigations and are addressed here (Cook and Tattersall, 2010).

### **Closed Circuit Television (CCTV)**

Although the idea of using images in policing emerged as far back as the 1940s, when a police superintendent suggested using live television images to monitor the wedding of the Queen and Prince Phillip, the widespread use of CCTV that is apparent today was relatively slow in its development (Norris *et al.*, 2004). The employment of CCTV was commonly used within the retail sector and up until the 1970s and 1980s was primarily used by the police to manage demonstrations and football hooligans (Norris *et al.*, 2004). It was the murder of James Bulger in 1993 and resulting public concern that played a significant role in the increase in government funding of CCTV (Norris *et al.*, 2004). As Norris and McCahill (2006, p100) note “the images of the little boy being led from the shopping centre were replayed night after night on television and dramatically launched CCTV into the public debate surrounding the control of crime”. However, Fay (1998) references the James Bulger case in highlighting that in reality the images of James being led away by his killers were of a very poor quality despite the fact that they had been enhanced. Nevertheless, because of this case, the growing public concern that followed it and concerns around the increase in crime generally, the Conservative government invested £5 million in the City Challenge

Competition, allowing partnerships, who had sourced matched funding to bid for further monies (Fay, 1998). The response to this funding scheme was significant, further competitions were held and investment in CCTV grew. However, Fay (1998) notes that the increased funding towards CCTV cameras came at a time when the Conservatives were losing public confidence, raising the question of whether the increase in funding was a result of its effectiveness or a political move.

There are now an estimated 5.9 million cameras in operation in the UK (Reeve, 2013). The benefits that such widespread CCTV cameras may bring to an investigation are highlighted by Cook and Tattersall (2010) who emphasise that it is cost effective and can move an enquiry along quickly. It can also assist with media appeals and in encouraging witnesses to come forward (Cook and Tattersall, 2010). However, although CCTV systems are a familiar feature of modern society and are used regularly in criminal investigation the police “processes and procedures for acquiring CCTV evidence are not well developed and lag far behind those associated with fingerprints, DNA and other forms of crime scene evidence” (Gerrard 2007, p8).

It is clear that the use of CCTV during a criminal investigation is complex and this can be partly attributed to advancements in technology, notably the move from analogue to digital recording. CCTV images were previously recorded using VHS tapes, known as analogue CCTV (ACPO, 2011) and as individuals in their own homes used these tapes, it was relatively easy for police officers to use them in the course of an investigation (Gerrard, 2007). This first-hand knowledge of CCTV technology that comes from the use of tapes that officers used at home has arguably been lost in the move to the digital recording of CCTV images. Not only has this led to a more complex system for detectives to use when compared to the use of VHS tapes, but it has also raised issues in regards to the retrieval of images. Digital images take up more space to store and whilst they may be condensed to make more room, the quality of the images may be compromised, and so if a detective in an investigation tells the operator to “keep their images for as long as possible and the CCTV is digital, there is a danger that they may alter the compression and present you with pictures that are not fit for purpose” (Gerrard 2007, p12).

Additionally, the cost of storing digital CCTV images is significant and may shorten the amount of time that images may be held (Gerrard, 2007). The issue of the retention of images is critical in a major crime investigation and leads to additional pressures given the

importance of this tool. In his research looking at what solves murder cases Roycroft (2007, p98) noted that many SIOs commented that when seeking to make full use of CCTV cameras it was vital to set parameters for retrieval quickly as “tapes are used on a continuous loop that winds back over a 24 hour period”. The National Policing Improvement Agency (NPIA) (2011a, p13) guidance also stresses the importance of securing CCTV imagery as soon as possible as “it may lead to the identification of lines of enquiry that will enable more material to be secured quickly”.

Gerrard (2007, p13) notes that when we consider the difficulties associated with retrieving CCTV images during investigations today it is apparent that it is “clearly a job for specialist staff that have the right equipment and the appropriate level of training”, although in reality it is police officers or detectives who are often responsible for conducting this task. Furthermore, whilst following the London bombings of July 2005 there was the introduction of officers who are trained in the retrieval of digital CCTV images, many SIOs remain unaware that this resource is available, despite their employment in high profile investigations including the hunt for the killer of five women in Ipswich (Gerrard, 2007).

The SIO also needs to consider the legislation that governs the use of CCTV images. The NPIA (2011a, p21) stresses that to be able to utilise this resource appropriately “investigators should have a clear understanding of relevant legislation”, and that the key pieces of legislation are the Criminal Justice and Police Act 2001, Criminal Procedures and Investigations Act 1996, Police and Criminal Evidence Act 1986 and Police Reform Act 2002. Additionally, the Data Protection Act 1998 covers CCTV recording when information relates to a living individual who could be identified (NPIA, 2011a). As Herdale (2007, p30) states, the Data Protection Act “provides the legal framework for managing personal data (defined as information about a living individual processed electronically or on a defined filing system) in accordance with the ECHR”.

Although there are difficulties in measuring the effectiveness of CCTV, as it is dependent upon a number of dynamics such as where the cameras are situated and the ways in which the systems are administered (Fay, 1998), the important role that CCTV plays in criminal investigation is becoming increasingly clear. This is highlighted by Roycroft (2007) who found CCTV to be the solving factor in 24% of murders. Gerrard (2007, p15) too emphasises the importance of CCTV above other forms of evidence: “it is probable that CCTV has the capacity to provide more evidence in support of criminal investigations than the conventional

forms of evidence”. With this in mind it is clear that the difficulties associated with the management of a CCTV strategy provide the SIO with considerations and pressures that would not have been a concern for detectives before the 1990s.

### Communications Data

The prevalence of mobile phones today provides investigators with additional opportunities for data that would not have been available during the 1980s and 1990s when telecommunications data was focussed upon landline telephones (Cook and Tattersall, 2010). The proportion of adults in the United Kingdom who owned or used a mobile telephone was 93% in 2015 (Ofcom, 2015) and this figure has grown significantly since 2000 when statistics showed that 36% of individuals owned a mobile telephone (Ofcom, 2011). The benefits of telephone analysis were reflected in the findings of Roycroft’s research, which showed this to be the solving factor in 23% of cases (Roycroft, 2007). According to Monckton-Smith *et al* (2013, p127) the data from mobile phones can be gathered in the following three ways:

- *Cell site analysis:* allows the mapping of the approximate location of a mobile phone at any particular time by detailing to which mobile phone masts it was transmitting signals when calls or text messages were received.
- *Itemised billing:* details the dates and times of all calls and text messages made by any particular phone.
- *Subscriber information:* identifies the details of the person to whom the phone is registered.

The ability of mobile phones to generate a significant amount of data during an investigation is undoubtedly beneficial, as the ACPO Murder Investigation Manual (MIM) (2008, p181) highlights:

It is often the case that the only significant time that is known with any degree of certainty is the time that the body was discovered. The search for telephone activity will, therefore, begin there and work backwards. As more material becomes available about the circumstances, it will be possible to focus the search more precisely.

Despite the ability of such data to provide investigators with additional lines of enquiry, indeed the telephone itself may provide opportunities for forensic examination with the view to finding blood, fingerprints and so on (Cook and Tattersall, 2010), it does also raise additional concerns that the SIO will be required to manage and negotiate.

Investigators are under pressure to retrieve footage from CCTV cameras before the tapes are recorded over and this is also the case for telecommunications data. The MIM (2008, p181) cautions that “telecommunications billing data is generally kept for a fixed period of time” and urges SIOs to move quickly to secure evidence. The SIO must also ensure that the use of communications data complies with relevant legislation, notably the Human Rights Act 1998, Article 8 of which stipulates that a person has a right to respect for private and family life. Whilst, this right is not absolute and may be encroached upon, it must only be done so if the actions that must be taken are necessary and proportionate, which are arguably open to interpretation.

Although the widespread use of telecommunications data, notably mobile phones, has the potential to provide an investigator with numerous opportunities to identify new lines of enquiry, identify the whereabouts of individuals and corroborate the statements of witnesses, it brings other pressures. Pressures include those of a financial nature as the retrieval and examination of data can be costly. This may also be attributed to other passive data sources, including the retrieval of data from CCTV. The MIM (2008, p185) highlights this point and the importance of setting and maintaining an appropriate strategy:

Given the likely high cost of implementing the passive data generator strategy, both in terms of the cost imposed by data owners and of enquiry staff time, it is essential that the objectives and parameters of searches are kept under constant review to ensure that they are as precise as possible.

Given the importance of retrieving such information swiftly, it is concerning that a recent Her Majesty’s Inspectorate of Constabulary (HMIC) (2017, p55) report on police effectiveness conveyed that there have been “unacceptable delays in retrieving results from the units that examine and retrieve evidence from digital devices”. Whilst the report does outline how the police have tried to address this issue including additional staff, it states, “it is important that forces develop sustainable approaches to meet the demand that digital forensic opportunities create” (HMIC 2017, p56).

This is indicative of the fact that whilst advances in science and technology provide additional information, its careful management is important in ensuring that the opportunities it presents can be fully reaped.

Relatedly, advancements in technology and the development of social media particularly, have further impacted upon the way that homicide is investigated. With 2.206 billion active



users worldwide (Regan, 2015) social networking sites such as Facebook and Twitter have provided the police with a new tool to use in crime investigation. It also allows the police to communicate with the public and ask for information about crimes. Further, Bullock (2016, p2) writes that it has become a medium through which they seek to “shape the police brand”. The usefulness of these sites is such that the NPIA updated its training packages in order to incorporate training around how best to use these resources during investigations (NPIA, 2011b). Such amendments to the training programs for detectives is indicative of the changing society that they are working within and it is likely that further updates to training will be required in the future due to the continued rapid developments to technology.

The role of social media in homicide investigations, however, is an area that has yet to be subject to academic consideration, but given the rate at which social media use is growing it is ripe for future research.

### **The Role of Science and Technology in Homicide Investigations**

DNA and other forensic methods are clearly not as infallible as they are portrayed to be. Despite this, the role that science and technology plays during homicide investigations has been subject to little academic attention. Williams and Weetman (2013) note that its role in volume crime investigations has received more attention. Further, Brady and King (2017) write that our understanding of the role that technology plays in homicide investigations is partial. Williams (2017) also reports that a full understanding of the role that DNA plays in homicide investigations has not been achieved. This section will, therefore, review some of the literature that can provide insight into these matters.

McCartney’s (2006, p184) research, which drew upon statistics and interviews with those working with forensics, for example police officers and forensic scientists, found that the police can be “blinded by their own science” and believe that when a case has forensic evidence it does not require an in-depth investigation failing to see that “just having a DNA match won’t prove a case”. She suggested that appropriate training of police officers including constables and senior officers was crucial in ensuring that forensics are used effectively. Ensuring that there is appropriate training for police officers in forensic sciences could also move to address the perhaps unrealistic perceptions that some have about the reliability of DNA evidence. Ultimately, the investigation should continue to be thorough in order to support the forensic findings with additional evidence from that case. Although

‘every contact leaves a trace’ the presence of a person’s DNA at a crime scene does not automatically link them to that offence (McCartney, 2006).

Allsop (2012) provides an alternative perspective on the relationship between detective work and science. In exploring the reliance on science and detective skills in relation to the investigation of cold cases, Allsop (2012) found that the two worked hand in hand and that detective skills are necessary in ensuring the efficient use of science and technology. This is reinforced by Brookman *et al* (Forthcoming) who found that the effective use of science and technology was key to solving homicides. Conversely, their interviewees also suggested that with the growth of science and technology other more traditional detective skills have diminished, describing how shortcuts were sometimes taken because of advances in this field (Brookman *et al.*, forthcoming). A similar finding arose from the research of Westera *et al* (2016, p203): “some detectives are now relying on the abundance of electronic information instead of face-to-face communication, causing these detectives to lose or never develop the core skill of talking to people”.

The concerns outlined here are exacerbated by the relative rarity of homicides and particularly the more complex ‘whodunit’ cases (Innes, 2003). As a result, the opportunity for officers to come into contact with forensics in such cases is often minimal resulting in them having “little knowledge” (McCartney 2006, p184). It could be argued that the police officers’ knowledge of forensics is, as with members of the public, largely influenced by media representations of such methods, leading to the perception that it is the “silver bullet” in an investigation (McCartney 2006, p185). It is again clear that appropriate training is necessary in ensuring this evidence is used correctly in an investigation. However, this in itself leads to pressure upon the police service to ensure that training programmes remain up to date with the continual advancements in science and technology.

It also necessary to consider an alternative view, the evidence that suggests that in reality forensics, in particular plays a relatively small part in investigations. This is perhaps unsurprising when we consider that the majority of homicides are deemed ‘self-solvers’ whereby the offender is identified almost immediately (Innes, 2003). This is reflected in a study conducted in the United States. Brown and Keppel (2012) explored the impact of forensic evidence in solving child abduction murders and discovered that whilst forensic evidence was undoubtedly an important solvability factor; it was not as important as others, such as the victim-offender relationship. Similarly, Brodner and Dupont (2016, pp. 13 – 14)

found that the use of forensics was a key factor in determining the outcome in less than 3% of cases. Research by Roycroft (2007) into the solving of Category A and Category B homicides presents an alternative finding. Based on interviews with 32 SIOs Roycroft (2007, p95) aimed to identify what those SIOs considered to be the features that led to a “successful investigation”. Roycroft (2007) found that in the majority of cases examined forensic material contributed to the solution in 38% of cases, phone analysis in 25% and CCTV in 21.7%. The conflict in the literature is evident.

One area in which there appears to be little dispute is that advances in science and technology generate masses of information that must now be managed. In his research on detective work and homicide investigation Innes (2003, p255) discussed the challenges of managing information during homicide investigations, referring to it as “information overload”. Innes (2003, p255) writes that these difficulties may lead to a “systematic overload”, which “may result in officers simply working to get the data on the system, rather than maintaining a critical eye and carefully assessing its value to the investigation”. Innes (2003) goes on to suggest that this may lead officers to take shortcuts around the system to prevent delays. Although Innes (2003) discussed this issue in relation to an SIO setting too many lines of enquiry, the extensive developments in science and technology mean that “information overload” is a concern that might be applied more broadly. This is supported by more recent research. Westera *et al* (2016) explored the factors that might prevent detectives being efficient in the future. Based on semi-structured interviews with 30 detectives in New Zealand and Australia they also identified that managing information was a challenge: “detectives’ main concerns about analysing the large amounts of technology-generated information were that this process was time-consuming and prolonged the investigation and added to an already heavy workload” (Westera *et al* 2016, p202).

A further issue that Westera *et al* (2016, p202) uncovered was difficulties in keeping up with the rapid pace at which technology evolves: “detectives felt they needed constant training on how to identify, access and analyse technology-generated information in order to keep up with the rapid advances in technology”.

This has been established as an issue for investigators in England and Wales. In a report examining police effectiveness in England and Wales, the HMIC (2017, p15) found that the police service were struggling to keep up with evolving technology: “in too many cases, forces are unable to exploit digital investigative opportunities because they have insufficient

capacity or capability to do so. Digital forensic capability and capacity is not keeping up with demand”.

Although the report does acknowledge the steps that have been taken, it stresses that these are not “sustainable” and that a longer-term solution is needed (HMIC 2017, p15).

### **Art, Craft, Science and Detective Culture**

Although the subject of police culture has received considerable academic attention, there has been a lack of study examining the question of whether there exists a detective culture (Innes, 2003). The available literature suggests that the role of the detective has been shaped by the advances that have taken place in respect of science and technology, hence the placement of this discussion here. However, it must be acknowledged that the many other developments that have taken place, which were outlined in Chapter Two, are also influential.

One exploration of detective culture includes that of Hobbs (1988; 1991). His findings are indicative that a detective culture separate to that of cop culture exists, as the following quote alludes: “the quicker new recruits to the CID can purge themselves of what is perceived as the plodding, mechanistic, reactive, operational style of the uniform branch, the quicker total immersion in detective culture can be achieved” (Hobbs 1991, p599).

In more recent work Innes (2003, p14) similarly suggests that there is: “implicit evidence to suggest that the routines of detective work result in a radicalised and concentrated version of police culture being found amongst detective officers”. Innes (2003, p15) goes on to suggest that the culture of the CID is “intensely pragmatic, concerned with getting the job done expediently, and underpinned by values which are conservative, machoistic, and action-orientated”. Further, they demonstrate “suspicion of ‘outsiders’, pessimism about human nature, together with a heightened awareness of potential dangers...and a general sense of social isolation” (Innes 2003, p15). This is supported by Maguire and Norris (1992, p20) who found that as well as the above characteristics detective culture encompassed “a largely individualistic and ‘entrepreneurial’ approach; in which loyalties are fragmented and sometimes restricted to just one or two ‘partners’”.

Maguire and Norris (1992) also note that detectives’ attitudes towards rules differ to those of uniformed officers, demonstrating further distinction between them. Maguire and Norris (1992, p21) found that detectives are more confident than uniformed officers in knowing

what rules can be disregarded and that they are likely to “sail close to the wind” when it comes to rule following. Maguire and Norris (1992) attribute this to the fact that detectives work closely with those who supervise them. This finding could also be linked to the training of detectives, which although now a more formalised process than it was at the time of Maguire and Norris’ (1992) research following the introduction of PIP, still incorporates a period of mentoring. This is seen to be “important in relaying and transferring the tacit and informal knowledge of detective work, of how to get the job done in ‘the real world’, and the recipe knowledge, working rules and attitudes that will facilitate this” (Innes 2003, p17).

The art, craft and science models were developed in a bid to understand the under-researched area of detective work. Tong and Bowling (2006, p323) describe the models as providing a “framework for examining what detectives do and the challenging nature of their work”. The model stems from the work of Reppetto (1978, p5) who examined the role of the American detective at a time when they were subject to “a series of sharp attacks”, had their units reduced in strength, were coming under closer supervision and aspects of their role were being assigned to the patrol forces. Reppetto (1978, p8) described the detective as an artist as an “individual of brilliant insights, a master of interrogation and other skills, who engages in an intuitive exercise, which ultimately leads to the solution of a crime”. Whilst Reppetto (1978) concedes that the detective as an artist is the one most commonly portrayed by media sources, he notes that there are real-life examples of both American and British detectives who could be considered to represent the qualities associated with art. Conversely, Reppetto (1978, p9) describes the detective as a craftsman as being “seen as the master of a set of practical techniques”. Overall, Reppetto (1978) argues that the role of the detective often entails a combination of art, craft and science, a view that has been supported by others in more recent discussions around detective work.

In his study of homicide detectives, Innes (2003, p12) found that when investigating murder and other major crimes, “effective policing synthesizes art, craft and science”. Innes (2003) found that despite the importance placed upon science and technology, the art and craft elements of detective work were evident when they were confronted with particularly complex cases, where they would adopt creative and innovative approaches to the investigation. Furthermore, the detectives would use creativity in their negotiation of the “procedural constraints of the law” (Innes 2010, p23).

However, Innes (2010, p23) acknowledged that detectives are becoming “increasingly shaped by the use of scientific methods and technologies”. This was also noted by Westera *et al* (2014). This demonstrates the mounting importance of advances in science and technology in the police investigation of major crimes, and the mounting importance subsequently placed upon the science element of this model. It has also been said that in recent years the drive to professionalise investigations has also seen the emphasis on ‘art’ or ‘craft’ diminished (James, 2013). This is arguably the consequence of both advances in science and technology, but other changes such as the increase in legislation that must be understood and enacted. As Tong and Bowling (2006 p323) write, the scientific approach to detective work goes beyond being skilled in using those particular tools, but includes “appreciation of the psychology of interview technique, and of the social sciences of crime analysis and policing”. Indeed, given the legislation and guidance that detectives must negotiate it is not difficult to see how their work might now fit fully into this category.

It is possible that detective work incorporates all three elements, but the influence of science and technology is seemingly becoming more apparent. However, caution is urged since, as mentioned earlier, the full impact of science and technology upon homicide investigation is not well understood. Moreover, detective work and homicide investigations are themselves under-researched.

## **Conclusion**

The introduction of technology and science into the investigation of crime was rather a stilted process and so the detective working before the 1980s had a much smaller tool kit than the modern-day detective. Now, as Stelfox (2009, p35) notes, the developments over the years have “[provided] investigators with sources of materials that their predecessors could only dream of”. Yet, whilst this has brought opportunities that the pre-1980s detective did not have, investigators must now contend with an array of individuals and a mass of complex technology and forensic science, which brings challenges and pressures that would not have been a concern of those before them.

Having reviewed the existing literature on the development of homicide investigation in England and Wales, I now turn to the current study and, in the chapter that follows; the methods that were adopted are presented.

## **Chapter Four**

### **Illuminating the World of Homicide Investigation and the Detective**

This chapter will detail the research strategy employed during this study and provide the reader with an insight into my experiences and the challenges that I faced. This research was unique for its focus was upon the past. The research aimed to explore in what ways the investigation of homicide in England and Wales had changed since the 1980s, why it had changed and to explore the impact of change. There were three methods of data collection; qualitative interviews, examination of case files and observations. Each method will be considered in turn. A discussion of ethical issues will also be presented. Firstly, the adoption of the qualitative approach is briefly considered.

#### **A Qualitative Approach**

This research necessitated a qualitative approach to data collection. Qualitative research aims to address the “deeper ‘why’ questions” (Westmarland, 2011, p82) and was therefore considered appropriate for this exploration of change. The selection of this strategy is reinforced by Brookman (2015, p236) who notes that the research of homicide has been dominated by the quantitative researcher, but the adoption of a qualitative approach provides “unrivalled insights into people’s inner thoughts, reflections, actions, and lived experiences” something that cannot be achieved with quantitative research. This was considered a fitting approach to a piece of research that was very much seeking to obtain the detectives’ perspective on change. The qualitative approach has also been adopted by researchers such as Innes (2003), Brookman (1999) and Hobbs (1988) in their work exploring homicide and its investigation, lending further support for its adoption by the present study.

It is, however, necessary to acknowledge the limitations often associated with the qualitative strategy. Bryman (2016) outlines the main limitations as being those related to its subjectivity, replication issues, problems with generalisations and a lack of transparency. However, there are steps that can be taken to try and counter these limitations as far as is possible and the use of multiple methods or, more specifically, triangulation, is one way in which this might be achieved. Triangulation “entails using more than one method or source of data in the study of social phenomena” (Bryman 2016, p386). One of the benefits of triangulation is that it can improve the credibility of the research as well as increase the

richness and depth of data required to address the research questions. Triangulation was achieved in this research with the adoption of interviews, analysis of documents and observations. Simply, the use of triangulation allowed me to check or confirm information that has been deduced from one source of data with another.

With the foundations of the research outlined, I will reflect upon each approach to data collection in turn. The use of qualitative interviews served as the primary data collection method and will be discussed first.

### **Interviews: Capturing the Past and Present**

I knew that in order to answer my research questions I would need to speak with detectives experienced in homicide investigations. Homicide investigation has previously been described as a “closed world” (Brookman 2015, p236), so it would only be through speaking to the detectives who had ‘lived’ in that world that I would acquire the understanding that I needed. This period of data collection commenced in May 2014 with the final interview with a detective held in July 2015. A further interview was conducted in December 2016 with a QC as I sought to obtain another perspective. This will be discussed shortly.

I conducted twenty-seven semi-structured interviews with former and serving detectives. I interviewed fourteen former and thirteen serving detectives. Each detective was interviewed once. Although I did not take any specific steps to ensure that the interviewees were representative, it was something that I remained mindful of and I would regularly review the demographics of those who were interviewed, so that I remained aware of the representativeness of the sample.

As the purpose of the interviews was to ask the detectives to reflect upon their careers and consider how the investigation of homicide had changed, they can be considered to feature an element of oral history. Bryman (2008, p696) describes the oral history interview as asking participants to “recall events from his or her past and to reflect on them”. This is akin to the ‘life history’ approach and indeed these two terms are often used interchangeably. Atkinson (1998) argues that they differ in reach and focus: the oral history focuses on a particular aspect of someone’s life, whereas the life history looks at a person’s entire life. A key advantage of the oral history interview is the richness of the data that it can yield: “those who propose the use of oral history techniques, are not concerned with creating objective



accounts, but rather seek to gather data which reflects the richness of human recollections on a particular subject” (Cockcroft 1999, pp. 138 – 139).

Based on these definitions, the oral history interview was a suitable method for my research; I was able to ask the detectives to reflect on their careers and experiences of investigating homicide. With an oral history interview, the interviewer is concerned with particular events in history and asks questions accordingly. For example, I asked the former detectives how they felt when computerised systems were first introduced for use in homicide investigations and how interviews were conducted before the introduction of the Police and Criminal Evidence Act, which aimed to eradicate the bad practices that had surrounded police detention, questioning and treatment of suspects in custody. I also interviewed several detectives after I had examined three homicide case files and was able to ask the former detectives about particular techniques and practices that were detailed in those files. Although there was an element of oral history to all of the interviews, the interviews with the serving detectives contained a little more focus upon the ‘here and now’. For instance, I asked the serving detectives how technology and science are used in homicide investigations today.

All of the interviews were semi-structured. According to Bryman (2008) the semi-structured interview is one in which the interviewer has a list of questions to ask but the participant has some freedom in terms of how they respond. The interviews did not rigidly follow the list of questions, but generally all interviewees were asked similar questions. To illustrate, all were asked to identify what they considered to be a key change in homicide investigation that occurred during their career and why. This allowed me to keep the interview focused on the relevant topic but gave the interviewee freedom in how they answered. Ultimately, all the interviews were flexible and the key objective was to obtain the view of the participants. The use of an interview schedule for all interviews ensured that the conversation remained on topic and that the questions did not stray too far from the research questions.

The purpose of the interviews was twofold. It allowed me to build a detailed picture of how the investigation of homicide used to look and what have been the key changes and, secondly, to understand how that has shaped the way in which homicide is investigated today. This provided me with both an oral history account of the situation over 30 years ago and a comprehensive picture of current practice. With this in mind, this section will now explore other issues arising during this stage of the data collection process including; identifying and

accessing participants, interviewing former and serving detectives, the difficulties that are associated when asking interviewees to look back in time and, finally, asking difficult questions. Firstly, however, the pilot interviews will be briefly discussed.

### Pilot Interviews

Pilot studies are a useful way of exploring ideas and testing interview questions and so it is worth noting my experiences of them. I conducted pilot interviews when I had a broad idea of what I wanted to look at, but before I had fully formulated my research questions. The purpose was to explore the ideas that had arisen from the time that I had spent reading to test the validity of the questions and the quality of the data. I devised a pilot interview schedule (Appendix One), which consisted of 20 questions. I conducted three pilot interviews with five participants; three participants were former detectives and two participants were serving detectives, which reflected the participants that I would be looking for in subsequent interviews. The three former detectives worked at the university, so I emailed them explaining that I was in the early stages of my PhD exploring how homicide investigation has changed, and would they be interested in participating in a pilot interview. I adopted the same approach with the two serving detectives. A family member, who at the time worked for the police, put me in touch with one detective who then brought his colleague to the interview.

The process was worthwhile and highlighted issues with the data collection method, in particular, the importance of audio recording the interviews and the need for me to probe more. As the nature of the topic is quite sensitive I felt that using an audio recorder during the interviews might have inhibited the participants from providing full and frank answers, so I made handwritten notes. My previous employment as a Secretary within a local authority Social Services department required detailed note taking, both handwritten and typed, and I was confident that I could capture an appropriate level of detail and felt that this was achieved. However, I noted in my research diary that whilst the pilot interviews had been “relaxed and conversational”, opportunities to probe were sometimes lost. Additionally, although I felt that my notes contained a good level of detail, a degree of context was

inevitably lost<sup>12</sup>. Brookman (2015, p248) summarises the issues that a researcher has to consider when deciding whether or not to record an interview, which reflects my experiences:

Although, intuitively, a recording device may inhibit a respondent, equally, constant or frantic note taking can also be distracting and off-putting to an interviewee and can certainly make it more difficult for the interviewer to engage naturally in conversation.

I decided that in future interviews the participants would be asked if the interview could be digitally recorded. This decision proved beneficial during the analysis of the data when I was able to view the full interview transcripts. I would also at times listen back to the recordings during the data analysis and found that I was almost taken back to the room in which the interview had taken place. I was sure that this added to my understanding of what the interviewees were saying. Simply, an audio recording of an interview allowed me to recapture experiences that sometimes occurred many months earlier.

To summarise, the pilot interviews were useful in several respects. They helped me to establish the importance of recording the interviews and ensured I was mindful of probing. An additional benefit was that it allowed me to simply practice interviewing, something I had not done since I was studying for my undergraduate dissertation. This gave me confidence when I conducted the subsequent interviews, which in turn helped with giving a good impression to participants, something that can help identify further interviewees. It is to this issue that I now turn.

### Identifying Former and Serving Homicide Detectives

Brookman (2015, p242) writes that there are a number of important factors that play a part in obtaining access to conduct research in and around the world of homicide investigations, which include:

A persuasive idea and plan, an appreciation of the ethics and sensitivity required to undertake the research, a good track record (if you are not “new” to the field), a little luck, and, perhaps most important of all, an introduction by a credible person who can vouch for you.

With the exception of a good track record as I was new to the field, these all played an important role in my gaining the access that I needed.

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<sup>12</sup> I conducted further interviews with three of the individuals that took part in the pilot interviews at a later date. These were recorded and the data included in the final sample.

Before commencing the research I knew that I wanted to speak to former and serving homicide detectives, who were both male and female with a range of experience of homicide investigations. I also wanted to represent England and Wales. When devising the research I believed that one of the biggest challenges would be finding former detectives to interview as they could not be identified and contacted through the police service, as might be the case with serving detectives. This, however, was a much easier process than I had anticipated. Often researchers adopting a qualitative research strategy employ purposive sampling in order to obtain their sample (Bryman, 2008). A non-probability form of sampling, it is an approach in which the researcher will select the sample on the basis that it is relevant to the research questions being asked (Bryman, 2008).

The process of accessing detectives began when one of my supervisors recommended a former detective that I could contact and who subsequently agreed to be interviewed. This participant then recommended other potential interviewees and the process ‘snowballed’ from there. Snowball sampling is one form of purposive sampling, which is defined as the “selection of participants or sources of data to be used in a study based on referrals from one source to another” (Yin 2016, p340) and was the approach adopted here. I used a similar method to identify the serving detectives that I wanted to speak to. I was mindful that this sampling method might be problematic in that, in effect, the interviewees decide whom would be useful for me to speak to and so they might hold similar viewpoints, what Morgan (2008, no pagination) refers to as a “biased subset”. An alternative way in which I was able to generate participants served to counter this concern. The first participant that I interviewed was a former detective still working within the police service, and he offered to send an email to his contacts letting them know about my research and asking if they would be interested in taking part. I wrote a summary of my research intentions that could be forwarded within the email, this served almost as a cover letter and included pertinent information such as what University I was from, the area I was researching and that I was interested in interviewing former and serving detectives (Appendix Two). This generated further participants as detectives, both former and serving, began to contact me to say that they would be interested in taking part in my research. I also sent this overview to a serving Detective Superintendent who forwarded it to other detectives in their police service, which also led to other participants contacting me. Additionally, when I interviewed individuals some also agreed to forward the overview to their contacts.

I consider this approach to have been successful as I achieved the parameters that I had set, which allowed me to make generalisations from the data. I reached a number of police services in both England and Wales, ensuring a reasonable geographical representation. In total the interviewees represented seven different police services, four in England and three in Wales. Furthermore, I was able to identify both male and female participants. Specifically, of the twenty-seven participants, I interviewed two female former detectives and three serving female detectives. Given the position of female detectives in the history of major crime investigation these numbers were acceptable. I also interviewed detectives of differing experience of homicide investigation, for example, those who had worked as part of Outside Enquiry Teams, as Family Liaison Officers and those who had been or were Senior Investigating Officers. Importantly, this helped to develop an insight into different areas of homicide investigation, which ensured a more holistic view of how things have changed and what the impact of change has been across different levels of the investigative process.

When adopting an approach to identifying participants is reliant upon this form of sampling, the importance of making a good impression during your fieldwork cannot be underestimated. Having worked closely with police officers during previous employment, both within Social Services and as part of a local authority Community Safety Team, I knew that it was important to remain professional during the period of data collection. I sent courteous emails to interviewees and if a potential participant contacted me with a relatively informal email, I was sure to reply formally and address them by their rank. Furthermore, when conducting my fieldwork I dressed smartly, I made sure that I was always on time, polite and well prepared. I was keen to be respectful of the people that had given up their time to speak to me, which would in turn generate more participants, and to give the impression that I would treat any information that they divulged appropriately. I interviewed one former detective at their home and serving detectives who were busy investigating current cases, some interviews were held in the days before Christmas 2014 and so after each interview I emailed each participant to thank them again for their time, both to show my appreciation and to reiterate the measures that would be taken in respect of confidentiality.

#### Interviewing Former and Serving Detectives: In Practice

I conducted twenty-seven interviews with former and serving detectives, both male and female and with experience of different elements of the investigative process. The majority of the interviews were held within police stations. As was noted previously, most of the

interviewees were still working for the police in a civilian capacity, so I was able to interview them at their place of work. However, I interviewed one former detective in his home. Due to the fact that some of the interviewees were based some distance away, four were telephone interviews. All interviews were recorded using a digital recorder and distinct interview schedules were used for both the former and serving detectives (Appendices Three and Four).

The British Society of Criminology's code of ethics stress that informed consent should be obtained whenever possible (British Society of Criminology, 2016). Both when making initial contact and at the start of each interview, the participants were told what the research was about, what it was for and what would happen to any data collected. This was reiterated during any later contact, for example, when I emailed them afterwards to thank them for their time. Ensuring the anonymity of participants also ensured that there was no likelihood that there would be any harm to them, one of Diener and Crandall's (1978) key ethical considerations.

On average the interviews lasted around 90 minutes, although some were much longer, including an interview of nearly three hours that led to me receiving a parking ticket. The clear benefit of such long interviews was that I was able to obtain significant detail and cover the pertinent areas of questioning, this was particularly important given that my research focus was from the 1980s to the present day. However, it would be fair to say that I found the longest interview to be challenging. Held with a serving detective I found it quite difficult to keep this interview on topic at times. Whilst undoubtedly much relevant information was provided, the interviewee spent a significant period of time discussing the then upcoming General Election and their views of the right wing media. Whilst the detective's views here were relevant, for example, other interviewees were also damning of the cuts to the police service that had come from the Conservative Government, too much time was spent on such topics and I could have steered the interview more effectively. However, the balance between directing the interview so that it remains on topic and remaining what Yin (2016, p144) calls "nondirective" can be difficult to achieve. Arguably this was further heightened since I was keen when conducting all of the interviews to not be the dominant voice, aiming to "speak in modest amounts" (Yin 2016, p144). To achieve the detectives' perspectives I needed to allow them to speak freely and I believe the balance was achieved in most interviews, but I felt that this particular interview in places went slightly awry. This further reaffirms the importance of audio-recoding the interviews, for it would have been difficult to capture this level of detail with handwritten notes.

Interestingly and by contrast some of the shorter interviews I felt were particularly fruitful despite my initial reservations that this would be the case. The shorter interviews were those conducted by telephone and lasted under an hour. Although my approach to identifying participants meant that I was able to reach those who were or had worked for forces across England and Wales, a limitation of this was that I could not conduct them all face-to-face. One of the primary advantages of the face-to-face interview is that it can help the interviewer in establishing rapport and clearly convey research intentions and assurances around anonymity. I was concerned that this would not be easily achieved through a telephone interview. However, Bryman (2016, p485) notes that “concerns about data quality in the telephone mode are not as great as sometimes feared” and this proved to be the case here also as the interviews, although briefer, were focused and so were no less fruitful than the others.

As with the face-to-face interviews the telephone interviews were recorded and I had purchased equipment that would allow me to do so. However, whilst this was, in the main, beneficial the line was sometimes poor and so the verbatim transcription of these interviews afterwards was occasionally difficult, as some parts could not be heard. The possibility of poor sound quality when recording has been documented within the methods literature (Bryman 2016) and so is something that I had anticipated beforehand. I therefore took detailed notes during the interviews. These notes were more extensive than those taken during the face-to-face interviews, as I was not concerned that this might be off-putting for the interviewee. Taking detailed notes during a telephone interview proved particularly helpful when the recording of one failed entirely. The notes that I took ensured that I did not lose too much data.

### Asking Interviewees to Look Back

Cockcroft (2005) noted that issue of memory is usually a concern for researchers adopting the oral history interview approach, as they are asking participants to look back at particular points in their lives sometime after that event. However, I was quite confident that this was not an issue here. Although I was asking the former detectives to look back on their careers, some of which began in the 1970s, there was no indication from interviewees that they were having difficulty remembering anything; the accounts offered by the detectives were detailed and vivid. Furthermore, each of these former detectives had worked within the police service for more than 20 years, which may explain their seemingly accurate memory. Similarly, the

commonality in the findings suggests that the memories were as accurate as could be expected given the time periods in question.

However, there was also the risk that the former detectives would look back on their experiences with ‘rose tinted glasses’ as Weinberger (1995) cautions, for the pressures of the time are no longer a burden on them. In any event whilst it can be seen that asking interviewees to reflect upon what was in some cases a period of 35 years these are issues that are commonly associated with all forms of interviewing. More broadly, the “possibility of concealment, embellishment, exaggeration, mixed messages, or outright deception cannot be overlooked in any conversation (criminal or otherwise)” (Brookman 2015, p241), therefore, a researcher can never be certain that participants have not forgotten anything or that their perspectives have not been distorted by the passage of time or indeed for any other reason. Nevertheless, additional methods were employed to try and counter such concerns and will be discussed shortly.

### Asking Difficult Questions

Some of the detectives that I interviewed had worked or were working for a police service that had seen several miscarriages of justice; indeed, some of the former detectives had worked on these cases. Furthermore, at the time that I was conducting my research, one case that had occurred several decades earlier continued to be featured in the national media. I was mindful of this when conducting these interviews and pursuing related lines of questioning. It was important that I obtained the information that I needed in a way that did not make the interviewee nervous or unwilling to divulge information. Therefore, rather than directly ask about particular cases, I asked the former detectives what it was like to work at a time when criminal investigation was being regularly criticised, and asked the serving detectives whether they felt the impact of legacy cases many years later.

Despite my concerns that the sensitivity of some topics might lead the interviewees to ‘close down’, which may also have proved detrimental to obtaining further contacts, the interviewees appeared to be frank and forthcoming about their experiences and perspectives. The former detectives spoke candidly of poor investigative practices that took place during the 1970s and 1980s, such as listening in on suspects when they were in the cells and how they would sometimes be left for a ‘night under the clock’ until the detectives were ready to speak to them. Cockcroft (2005) also found that his interviewees were open when discussing



corruption and scandal within the police and believes that this could be attributed to the fact that the participants were retired.

Although several of the retired detectives that I spoke to were still working within the police service in a civilian capacity, this explanation could be relevant here given their change in position. An alternative explanation might also be that much of what went on in the past was accepted practice and often legal, so there would be no reason to not be forthcoming about the reality of investigation at that time. The serving detectives were equally as forthcoming, something that cannot be explained by the above explanations. It could be argued that the police are keen to be seen as open and transparent and were therefore happy to engage in the research. Additionally, the measures that I took to respect their confidentiality, to be discussed, perhaps reassured them sufficiently to be able to answer my questions. It is accepted, however, that it is not possible to be fully certain that what I was being told was a true reflection of the participants' views and experiences.

#### An Alternative Perspective

The interviews with the detectives revealed substantial legislative change that had impacted upon the trial process. I believed that it was necessary to interview someone who had experience of this. I mentioned this to a serving detective that I had interviewed and he contacted a QC that he knew to see if he would speak to me. The QC agreed and I was given his email address to arrange the interview. I devised a new interview schedule, which reflected the issues that had arisen during the preceding interviews (Appendix Five). In December 2016 I conducted the interview. The QC agreed to being recorded and it lasted two hours. The information that I gathered proved helpful for it provided an alternative outlook on some pertinent issues. I therefore decided to speak to a few more participants, so I contacted this QC again and he gave me the details of two others that might have been willing to take part in an interview.

Due to time pressure I decided to email questions to these potential participants. The questions devised were based upon the data that the first interview had yielded and from the other interviews (Appendix Six). However, although I received a reply from one of the individuals to say that he would be happy to help and would respond over the coming weeks, I did not receive a response. This occurred during the latter stages of my research and I had limited time to pursue this response, so a decision had to be made about whether to include data from an interview with just one QC. I eventually decided to keep these data within the

thesis. Although the lack of any other interviews meant that caution was needed when drawing on the content of this interview, I felt that the information gave at least a small indication of how change has influenced homicide trials and how the views of the detectives compared to others in the Criminal Justice System. Moreover, the intention of this research was to depict the detectives' perspectives of change and the inclusion of an alternative perspective would have always been supplementary to the other methods of data collection. Nevertheless, although the question of how many interviews should be conducted in qualitative research is a difficult one to answer (Baker and Edwards, 2012), it is accepted that one was not preferable. Certainly, if I were conducting this research again I would endeavor to interview additional QCs.

### Protecting Investigations: The Censorship of Interview Transcripts

Whilst all participants agreed to being audio recorded, three of the 28 participants, including one retired detective now working as a civilian, asked to see the transcripts afterwards to edit them if on-going cases or other sensitive information had been discussed. Although I agreed to this there was a risk that the interviewee might remove useful information. However, the information removed mostly concerned discussions around the homicides themselves as opposed to the investigative process. Since the focus of this research was upon the changes to investigations over time and the impact on how homicides are investigated, the deletion of information pertaining to live cases did not impact upon the overall data collected. Regardless, the need to protect investigations clearly takes precedence here and the research must take second place to this.

Although at the start of the data collection process I had anticipated that the course of identifying participants and arranging the interviews would not run smoothly, this proved to be mostly unfounded, thanks to the willingness of the detectives to participate. The interviews proved not only to be informative and enabled me to gain the data that I required, but it was an enjoyable experience even in light of the subject matter. Nevertheless, the use of interviews in research is not without some challenges and so I took additional steps to increase the validity and breadth of my data that also served to develop my understanding of the manner in which homicide is and was investigated.

## **Examining Police Murder Files: Getting the Written Perspective**

I examined police case files of murder investigations that took place across the time periods that I was researching which was essential in gaining an understanding of the past and present. I examined three files: an unsolved homicide from the 1980s<sup>13</sup>, an unsolved homicide from the 1990s and a homicide from the 2000s that had seen the identification and conviction of the offender.

Referring to her own experience of PhD research, Brookman (1999) discusses some of the problems in using police murder files in research, notably the issue of gaining access to them. Brookman (1999) highlights that it is whom you know that plays an important part in obtaining access. As I had already conducted many interviews and established numerous contacts at this point, I was able to successfully request to look at the case files held by one particular major crime team. It was no doubt helpful that I had interviewed some members of this team and so had by this point shown that I was a credible researcher who was exploring a topic that was of interest to those that I had interviewed. The DCI who acted as the gatekeeper provided me with case files to view. Having already interviewed this detective they had a good understanding of my research and chose the files accordingly. They chose a file from each of the decades with which my research was concerned. The detective explained that they also chose these files, as they concerned high-profile cases. Additionally, they were less typical homicides as two were unsolved cases and the third was a stranger homicide. Although the case files that were examined were from the same team, the diverse and quite unusual nature of the cases sufficiently countered any potential concerns around representation.

I had to ensure that the cases would not be identifiable in order to protect those involved as well as protecting ongoing investigations, as two of these cases were unsolved at the time. The cases were not identified, only the decade in which they occurred was noted, as this was important in achieving the research objectives but would not lead to the identification of the cases or those involved. Quite deliberately, when looking through the case files, I did not note down any information that might identify the case, such as, particular details about the victims' age or gender. This was achievable since such detail was not relevant to the research

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<sup>13</sup> An individual has since been convicted of this murder.

but, crucially, it meant that there would be no risk of my including any detail that might lead someone to identify the case. Additionally, I was permitted to examine the files only whilst at the major crime team offices and was unable to take them away with me. It was important that I adhered to this in order to ensure the integrity of my research and to protect the information that I had been allowed to view. Having to view the files whilst stationed within the Major Crime Investigation Team (MCIT) proved to be of additional benefit as it allowed me to obtain more insight into the day-to-day running of the team and to ask questions about the case files that I was examining. Relatedly, the examination of the case files was carried out whilst I was still conducting interviews, so the additional value of examining these files was that they provided me with additional lines of questioning. For example, I noticed that there was little mention of budget within the case files of the 1980s but that reference to budget increased through the 1990s and 2000s case files. I was then able to ask subsequent interviewees about the financing of homicide investigations.

I conducted this part of the research after having held the majority of the interviews and when starting my initial analysis, during which I had identified several emerging themes. I kept these themes in mind as I looked through the case files, allowing me to make links between what the detectives had said about investigations during the interviews and what was written in the case files. I was also mindful of the fact that the case files that I looked at were different in format depending upon what decade they were from so direct comparisons could not be made. For example, as well as other paperwork pertaining to the cases, I had access to the policy file for the 1990s and 2000s cases, but what was referred to as a 'Crime Report' for the 1980s case. This Crime Report provided a summary of all the actions and decisions taken during the investigation, whereas the policy files provided more detail as to the decisions that were taken on a day-by-day basis. I had to be cautious about drawing comparisons in terms of the content of the files and how they were written. Despite the different formats each yielded much useful information. Contained within the documents that I analysed were reports from various experts, such as behavioural profilers, images depicting the injuries that the victim had sustained, statements that had been made to the police and, as mentioned above, records of the actions that were taken and the decisions that were made during the course of the investigation.

Whilst the use of unsolved cases could be considered problematic, as it was not possible to see how the cases were resolved, this proved to be particularly advantageous. Unsolved cases

are regularly reviewed and this was no different for the 1980s and 1990s cases that I looked at, with reviews taking place more than two decades after they had occurred. This therefore gave me a present day perspective on those past cases. This was especially useful in understanding the impact of changes in science and technology as, for example, later reports discussed the possibility of re-testing various exhibits in light of improvements to DNA testing.

The benefits of using documents in research are clear. They “provide a rich source of data on homicide” (Brookman 2015, p237) and have long been an important tool in historical research (Noaks and Wincup, 2004); both pertinent to this research. That is not to say that this approach does not also hold some limitations that should be considered. Brookman (2015, p237) urges that caution should be exercised when viewing documents and researchers should be mindful of their “socially constructed nature”. Because of this Brookman (2015, p238) suggests that documents should be considered a “resource *of* and *for* social research” (see also Brookman, 1999). Specifically, documents can be used to provide information about the topic itself or as a means of providing information about those producing the document. In the case of my research, the documents yielded information in both respects. The case files provided considerable information about murder investigations, therefore becoming a source for social research. At the same time, these documents contained important clues about how detectives justify and rationalise their decisions. Indeed, the SIO policy file is designed so that the top of the page records the date, time and the decision made and the bottom half of the page records the rationale. Moreover, the potential for the later scrutiny of such documents was also apparent and it was clear that the detectives were mindful of the how they author these documents. The documents could therefore also be considered a resource of social research.

As I noted earlier there were differences between the documents that I viewed; the policy files for the 1990s and 2000s cases recorded decisions that were taken on a day-by-day basis, whereas the 1980s ‘Crime Report’ was a summary of the whole investigation written after the event. The files were written from quite different standpoints; decisions being made at the time and decisions being summarised after the fact. The importance of remaining conscious of the socially constructed nature of documents, as discussed above, was therefore imperative. The use of other research methods is common alongside documentary analysis (Bowen, 2009) and also helps to minimise these concerns. The interviews, in particular, had

an important role to play here, as I was able to discuss the content of the ‘Crime Report’ with detectives who had worked on this case. A similar approach was adopted by Cockcroft (1999) in his examination of the history of the police; he used documents to obtain the written version of events but used interviews to probe the issues further.

### The Yorkshire Ripper Archive

In addition to interviewing retired detectives and examining the homicide case files detailed above, I was also fortunate enough to have access to documents relating to the Yorkshire Ripper investigation. These consisted of both original documents from the investigation itself, such as transcripts of police interviews with Peter Sutcliffe and post-mortem reports, as well as transcripts of interviews held many years later with those who had worked on the case. These files were given to the university’s Centre for Criminology by an author who had obtained the documents as part of research for an extensive account of the case that he had written and published. To my knowledge this information has not been used in any other research. These files allowed me to take an in-depth look into the historic investigation of homicide, and into the case that is considered to have been a key driver for reform.

### **Observations: A Firsthand Look at Investigations Today and a Glimpse into the Past**

Whilst this research was focused on homicide investigations past and present, it would clearly not be possible for me to observe the past. However, the observation of present day investigations provided invaluable insight and was no less revealing than the other methods that were employed. This section will detail how I gained access to what has been deemed the closed world of homicide investigations (Brookman, 2015) and my experiences of this phase of the data collection, which totaled four days. As well as four formal days of observations (two spent observing training and two spent at the MCIT), on the day that I was due to interview two detectives from the same police service, they kindly took me to visit a newly built custody suite to show me how these facilities had improved before we returned for the interviews. I spent a further two days at the MCIT looking through the case files, during which time I was able to observe the MCIT and speak informally to its members.

The observations were overt and therefore the individuals that I met were aware of my presence and what I was there for. There are known disadvantages in conducting observations in this way. As Gray (2009) acknowledges, when individuals are being

observed there is a risk that they will change their behaviour to some extent. However, it would have been unethical, not to mention very difficult, to conduct such observations covertly. My role therefore was very much that of what Bryman (2016, p437) refers to as the “non-participating observer with interaction”, which is defined as follows: “observes (sometimes minimally) but does not participate in group’s core activities. Interaction with group members occurs, but often tends to be through interviews, which along with documents, tend to be the main source of data”. The overt nature of the research enabled me to take notes relatively freely. During the periods of observation I made my notes in a Filofax, which was small in size and I felt that it would be less conspicuous and less off putting to those that I was observing. This is an important consideration as Rowe (2007, p40) in his research of police found that “the way in which [he] completed [his] field notes seemed to influence the extent to which officers talked freely”. I felt that this approach to taking notes also showed that I was professional and organised when conducting the research.

Deciding to take notes using a Filofax in an attempt to be less conspicuous also reduced the possibility that the research participants would alter their behaviour when being observed, often referred to as the Hawthorne effect. I observed briefings attended by around 20 individuals who were all taking notes, so I felt less inhibited about also doing so in these settings. Innes (2003) adopted a similar tactic in his ethnographic study of homicide detectives, finding that this helped him to blend in with those around him. Employing additional data collection methods also assisted the management of the Hawthorne effect. Recounting her experiences of researching homicide detectives in the United States, Brookman (2015) explains that once she had conducted interviews with the detectives, there was a greater acceptance of her presence within the homicide squad, which she was also observing. I too had interviewed detectives who belonged to the team that I was observing, so it is possible that this helped my being there to be perceived favourably and reduce the likelihood that the detectives would change their behaviour because I was there. My position as an outsider to the organisation might have also helped counter the influence of researcher effect as I was there to learn about these investigations, as opposed to being there as someone who had experience of them. Ultimately, it is difficult to fully eradicate the risk of the Hawthorne effect and my position as an outsider to the Police Service, meant that I would not have necessarily been aware of any changes in the behaviour of those that were around me. Moreover, a television crew who were filming the team for a documentary filmed one of the briefings that I attended and so it is quite possible that the behaviour of the detectives

changed because of their presence. Overall, it is hoped that the measures that I took reduced the effect of *my* presence on participants during the periods of observation as far as possible.

As discussed earlier, the informed consent of the interviewees was obtained. It is important to acknowledge here that I held some informal conversations with the individuals that I met whilst I was observing the MCIT, so the informed consent of these individuals was not formally obtained. My access had been arranged by the DCI. This was also the case for those who attended the briefing that I observed, although the SIO began the briefing by introducing me and explaining why I was there. In addition, when I spoke to people during my visits I was open about why I was there and would explain what my research was about.

### Senior Investigating Officer Training

The first installment of the observational stage of the data collection saw me attend, in the summer of 2014, a training session for those intending to become Senior Investigating Officers (SIOs). I was able to gain access to the training through my supervisor who was attending for her own research purposes. I felt that attending this training would be beneficial since much of the literature reveals that historically detectives would learn by shadowing others in the absence of formalised training (Innes, 2003). Indeed, my findings eventually revealed that the opportunity to shadow investigations and learn ‘on the job’ is still considered important. Thus, witnessing aspects of modern training procedures provided me with useful insights.

It was apparent quite soon that the areas covered on the first day of training that I attended were varied and included the detectives taking part in a mock court appearance before a former Criminal Prosecution Service (CPS) lawyer to request a warrant for further detention, after which they were provided with a de-brief as to their performance. The CPS lawyer also held a general discussion session about appearing in court as a detective, during which he talked about the differences in the way in which evidence is given today by detectives compared to the past. This proved to be relevant to my research as it provided me with the past and present perspective of the way in which cases are taken through the court and was something that I was able to discuss with the detectives and lawyer over lunch. The following week I attended another day of training and this too proved to be highly beneficial to my research objectives, as the training covered DNA profiling and the investigation of major crime, which included a talk by a retired detective. Identification procedures were also



discussed. This again provided me with further contacts to interview and raised other areas of questioning that I could pursue during subsequent interviews.

### A Major Crime Investigation Team at Work

As well as observing the training of Senior Investigating Officers I also spent a day with a Major Crime Investigation Team (MCIT). This involved observing several different elements of various homicide investigations. Contact with this team was established after my supervisor put me in touch with one of the DCIs who agreed to my visiting the offices, as well as agreeing to take part in an interview.

Upon arrival at the offices of the MCIT for the first time I was met by the DCI and I informed him during an initial chat over coffee in more detail what my research entailed, before I was introduced to some other members of the team. What struck me most at this stage was the office itself. At the time of my visit I had already conducted several interviews, including those with former detectives. From the way in which they had described the offices in which they had worked I was sure that these were a world away from those of the 1980s, where there would be reams of paper and index cards and detectives smoking. These offices reminded me of those that I had worked in when employed by a local authority, as they were quiet and dominated by computer screens. As well as being different to those of the 1980s, it also occurred to me that the reality of the set-up here was also very different to those portrayed by fictional portrayals of homicide investigations, which seem to show detectives rushing about, having intense conversations and loud excitement at a breakthrough in the case. The atmosphere here was altogether calmer with everyone clearly busy at work.

One of the detectives that I was introduced to was a female detective who was, amongst other cases, working on a cold case investigation from the 1980s. She showed me the paperwork from this investigation. Although I had spoken to former detectives by this point, this was the first time I had seen any exhibits from the past – it was my first real glimpse of past investigations. The sheer volume of paperwork would have been difficult to imagine without seeing it firsthand. There was a tall filing cabinet that was full of index cards, which in the absence of computers in the early 1980s was the only way of storing information. There was also a cupboard full of folders that contained statements and other paperwork pertaining to the investigation. That this visit allowed me to view both the past and the present, provided additional insight that I had not originally anticipated. I promptly arranged to interview the

female detective and secured access to these case files, as well as those of two other cases, which ultimately formed the document analysis stage of the data collection process that was discussed above.

I also attended a briefing of a homicide case that was being investigated by the team and the DCI gave me an overview of the key details. Before the briefing commenced I was able to sit in and observe what might be described as a pre-briefing, whereby the individuals that were the leads for the various strands of the investigation updated the SIO and the deputy SIO as to where the investigation stood. The interviews to this point had revealed that it can be difficult for SIOs today to keep on top of the minutiae of investigations today, particularly those featuring complex technological evidence as this case did. Five other individuals as well as myself attended this meeting. As they were discussing an ongoing investigation I felt somewhat inhibited about taking notes, as I did not want the detectives to be concerned that I was noting down specific detail about the case. However, I had a few minutes to myself after this meeting and before attending the full briefing to note down my observations. As this was immediately after the meeting, I felt that I was able to retain the necessary detail.

I was particularly interested to attend the briefing having been told about them during interviews and since there seemed to be significant differences to how they were conducted in the past when compared to today. The former detectives described the briefing as being very much directed by the SIO whereas the serving detectives described them as being more of a two way process. The briefing was held in a large meeting room and there was a computer and projector at the front. More than 20 individuals, including civilian investigators who were involved in the case, attended. I sat at the front of the room. At this stage a man with a TV camera entered the room. The DCI explained to me that they were filming the team for a documentary. This presented me with an ethical dilemma, discussed later in this chapter.

The briefing was structured in two parts. The first appeared to take the form of a 'usual' briefing and the SIO started by providing an overview of the case and the investigation before inviting other members of the team to provide updates. The second part of the briefing focused upon the complex mobile phone evidence that the team were dealing with. Although aspects of this were a little difficult to follow as I only had quite minimal knowledge of this case, it certainly provided me with useful information. In particular, there were discussions around the difficulties being experienced by the team in accessing and retrieving data from

some of the newer mobile phones. This became an important line of questioning during later interviews. Whilst in the meeting prior to the briefing I had felt that I did not want take notes, I felt that this would be acceptable in this environment where others were also taking notes and the setting was not so intimate.

In summary, the observations enabled me to see in action things that I had been told or had read when viewing case files. My view on the necessity of the observations is encapsulated by Yin (2016, p150): “Observing” can be an invaluable way of collecting data because what you see with your own eyes and perceive with your own senses is not filtered by what others have reported to you or what the author of some document might have seen”.

The observations provided the context necessary to appreciate what the interviewees were telling me during the interviews. It would have been difficult to fully understand the challenges faced by detectives investigating homicide today had I not experienced first-hand at least some of what this work entailed.

### **Analysing the Data**

Due to the data collection methods with which it is often associated, qualitative research generates a significant amount of data (Bryman, 2008). This research was no exception and the interview data alone provided me with masses of information to analyse. To give a sense of volume, the transcript of one of the shorter interviews ran to 18 pages and 10, 291 words. Making sense of the data in this research was a daunting, albeit exciting prospect.

One of the first difficulties I faced was staying up-to-date with the transcribing of the interviews. Providing tips for interviewers, Parker (1990, p238) emphasises the importance of transcribing each interview, noting with particularly apt phrasing that this can be a rather long and tedious process: “transcribe every word and pause and um and ah and er of it. It’s murder”. However, the interviews were often held in quick succession and I soon fell behind with this important stage. Given the importance of each interview informing the next, I therefore listened back to each interview and made detailed notes. This allowed me to begin identifying themes at an early stage and it informed the questions asked during subsequent interviews<sup>14</sup>. All interviews were eventually transcribed verbatim. To further quicken the

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<sup>14</sup> I did not repeatedly revise the interview schedule; I made a separate note of other questions and prompts.

process I purchased software that enabled me to simultaneously listen to the interview and repeat it aloud into a headset. The software would then ‘type’ the interview. This made the transcribing twice as fast and proved to be a worthwhile investment.

Once I had completed all interviews and made detailed notes of them, I went back through the notes and produced initial codes. After doing so I compiled mind-maps to help me to identify links. I then wrote summaries of what each theme represented and what the data seemed to be saying. This is akin to the process of memo writing. Memos are “helpful to researchers in helping them to crystallise their ideas and not to lose track of their thinking about various topics” (Bryman 2008, p547). These processes were repeated once the interviews had been transcribed. However, before returning to the use of mind-maps and memos, the transcripts were read through closely, during which I highlighted key quotes, themes and any phrases that were repeated.

That I had started to analyse the data from an early stage and ensured that it was a continual process proved helpful when it came to the analysis of the case files and observation data, which took place during the latter stages of the research. When I examined the case files I kept the themes that had already been identified in mind and made notes accordingly. Similarly, I was able to pick up on information during the observations that reflected the analysis that had already been conducted. However, that is not to say that I was narrow minded and identified only information that supported the analysis that had been completed. As the data collection process continued, themes and ideas that had not previously been identified came to light. For example, that the police are lagging behind technological developments became apparent during the observations, eventually becoming an important finding.

I also kept a research diary throughout the fieldwork. After each interview, observation or review of case files, I would write up my thoughts and feelings about my experiences. I would also make a note of any emerging themes. Keeping this diary proved a valuable step. I would later return to it and read through it. Its content proved helpful when writing this methods chapter and when it came to the analysis of the data.

It might be said that the numerous stages of data analysis that I took could have been avoided for perhaps a less repetitive approach aided by data analysis software, such as NVivo. However, I felt that the approach that I took ensured that I was fully immersed in the data and proved helpful in managing the substantial amount of information that I was faced with. It

also meant that bit-by-bit, as the data collection progressed, a detailed picture was forming in my mind of what the key issues were.

### **Ethical Issues: The Unpredictable Nature of Research**

Ethical issues required careful consideration and this is the case particularly when researching sensitive subjects such as this. The University of South Wales Ethics Committee and the faculty Ethics Champion approved the research. Diener and Crandall (1978) suggest that there are four key ethical considerations that researchers must take into account; harm to participants, informed consent, invasion of privacy and deception. These reflect those outlined in the ethical guidelines of the British Society of Criminology. Some ethical issues have already been discussed in this chapter. Here I reflect upon the steps that I took to avoid hindering the work of the police service, what I would have done had any participants disclosed illegal practices and an ethical dilemma that I was confronted with. Lastly, I consider researcher welfare.

It was essential to ensure that the research was conducted in a way that did not hinder the work that was being carried out by the police services involved. This was an important consideration for this work due to the sensitivity of homicide investigation and the fact that current cases were sometimes referred to during the interviews. The British Society of Criminology (2016, no pagination) urges researchers to “be sympathetic to the constraints on organisations participating in research and not inhibit their functioning by imposing any unnecessary burdens on them”. Therefore, as noted earlier, I had to abide by the request of the police service that gave me access to the case files to only work on them within their offices. Additionally, when the three participants asked to review and edit the interview transcripts this was permitted to ensure accordance with the British Society of Criminology’s code of ethics. Similarly, it was vital that any information I held, whether interview recordings, transcriptions of interviews or data from homicide files, were stored safely. I made sure that I avoided carrying around notes in my bag and would file them away as soon as I returned from interviewing. The interview recordings were uploaded to an encrypted laptop and the recording deleted from the Dictaphone straightaway. All interview transcripts and case notes were password protected so they could not be accessed by anyone other than myself.

To protect the identity of the individuals who were interviewed the police services where they were or had been employed and cases, anonymity was assured for all who were involved. Pseudonyms were assigned to those interviewed. They were each assigned a number, which was prefixed with either FD or SD to show whether they were a former or serving detective. Police Services were not named. Although confidentiality was afforded to all Police Services and participants, I had to consider what steps I would take if they disclosed any illegal practices. Given the seriousness of the offence I took the decision that should illegal practices be revealed to me this would be something that I would raise with my supervisors to consider an appropriate way forward. Doing so would have allowed me to discuss what I had been told with two other individuals with knowledge of criminal investigations, because as Rowe (2007) suggests it might not be easy to identify what is considered illegal. This is a difficulty that is compounded by my research spanning the last four decades and a time of much change in respect of the regulation of detective work. Although this approach may have jeopardised future access to detectives and Police Services, the potential repercussions of not disclosing illegal practices in the investigation of homicide far outweighed this.

### An Ethical Dilemma

Researchers may sometimes be faced with unpredictable situations for which they are unable to plan, particularly with observations. For example, as indicated earlier, I attended a briefing at the start of which a man walked in with a film camera. The SIO explained that the major crime team was the subject of a television documentary and that over the coming months journalists would be following investigations and filming the team's work. The SIO then continued to introduce me to the room, briefly explained my research and proceeded with the briefing. Afterwards, I spoke with my supervisors about the possible repercussions of my being seen in a documentary (that was revealing the identity of this particular force) given my undertaking to conceal all forces participating in the research. We agreed that it would not be appropriate for me to be visible in this footage, so I contacted the SIO and stressed that in order to maintain the anonymity of the police services and individuals involved in my work and to generally protect the integrity of my research, I would need to be 'blurred out' of the filming. This was subsequently arranged.

## Researcher Welfare

The ethical consideration of harm to the researcher is worth noting here. During the observations that I conducted, I viewed crime scene photos and read case files and other documents which detail murder cases. In the main I did not struggle with viewing such material, however, I viewed what was referred to as a ‘body graphic’, which was the drawn outline of a female victim with multiple knives illustrated showing where the many stab wounds had been inflicted. Interestingly, I found this to be more jarring than seeing photographs of homicide victims<sup>15</sup>. Thus, this issue is a real consideration for researchers in this field because it cannot be known how they will react until they are in those situations. Ultimately, I felt that seeing these images was important because it reminded me of the reality of what murder is. This can be all too easy to forget when immersed in a piece of work, so it was quite sobering. Furthermore, as a researcher, I would have found it difficult to develop the understanding and gain the insight that was necessary to complete this work if I were to shy away from the realities of what the detectives who investigate murder have to face.

## Conclusion

As noted in the introduction, homicide investigation has been subject to little academic scrutiny. Much of the research that has been conducted is often quantitative in its approach and generally originates from the US (Brookman, 2015). Brookman (2015, p236) explains that homicide investigation is considered to be something of a “closed world”, which can create difficulties around access and so this presents the qualitative researcher with particular challenges. Therefore, the approach of the present study provides a methodological contribution to a field that has been under-researched and dominated by quantitative methods. Moreover, the access that I had to the Yorkshire Ripper case files undoubtedly enriched the extensive qualitative data that were obtained through the use of in-depth interviews, analysis of case files and observations.

The following four chapters present the findings that were uncovered through the use of these methods.

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<sup>15</sup> Ironically, a detective I spoke to at a later date explained that ‘body graphics’ are used in trials to avoid, where possible, showing the jury images of a victim’s injuries.

## Part Two

### The Research Findings

In the four chapters that comprise part two, the research findings are presented. I began my exploration by asking the detectives at the beginning of each interview to identify what they considered to be the most significant change that occurred in respect of homicide investigation during their career. However, they often cited more than one. This demonstrated that these investigations have been subject to widespread change over the past four decades, and so it was simply not possible for the detectives to choose just one important development.

Table One depicts the responses that I received to this question. The first column represents the four categories of change into which each cited change was categorised. Column two presents the number of interviewees that mentioned a particular change as their first instinctive response when that initial question was asked. The third column represents the number of interviewees that cited this change in total; this is designed to illustrate that the interviewees often mentioned multiple changes. Importantly, this column also shows that changes in respect of science and technology were most commonly mentioned, establishing the significance that they attached to these developments.

Table One: Detectives' Perspectives of Key Changes during their Career

| <b>Change</b>                        | <b>Total number of interviewees citing as the main change<sup>16</sup></b> | <b>Total number of interviewees citing as a key change<sup>17</sup></b> |
|--------------------------------------|--|---|
| Science and Technology               | 10   | 26  |
| Legislation, Regulation and Guidance | 9  | 12  |
| Investigative Practice               | 4  | 8   |
| Detective Status and Culture         | 4  | 6   |

In the chapters that follow, the data in respect of each of these areas of change are explored. The explanations for these changes are discussed, as are the many ways in which they were

<sup>16</sup> This column denotes the total number of interviewees that cited this change as their first instinctive response to the question. The total here equals 27, the number of detectives that were interviewed.

<sup>17</sup> This column denotes the total number of interviewees that cited this change at any time during the interview. This number is inclusive of those that cited it as their first choice.



reported to have influenced homicide investigation in England and Wales. I begin by considering the data regarding changes to investigative practice, for example, those changes that have affected the ways in which investigations are run day-to-day.

## Chapter Five

### **‘It can be easy now to forget that you’ve got to find the actual murderer’: The Day-to-Day Running of Homicide Investigations**

At a talk I attended during fieldwork, a serving Senior Investigating Officer (SIO) likened the investigation of homicide to throwing a 1,000-piece jigsaw up in the air, before having to assemble all the pieces. This chapter aims to look at some of those pieces to explore how the day-to-day running of homicide investigations has changed.

Firstly, we consider the changes to the way in which teams are brought together to investigate homicide, followed by the growing employment of police staff. The use of the police interview will then be explored, with particular focus on the move from obtaining confessions to structured models of interviewing. Next the findings regarding budget and homicide investigations are presented. The chapter will then contemplate the increasingly complex nature of investigations and how the SIO is more reliant upon their team and outside experts. Finally, the importance that is now placed upon learning from past and present investigations to improve practices will be discussed.

#### A Well-Oiled Machine?

The data reveal that one of the prominent developments is the way in which homicide investigation teams are brought together. This was a significant change because it had remained stagnant for a considerable period of time, with a detective from Scotland Yard assisting other police forces. However, Innes (2003) explains that this model was reliant on the individual lead investigator and was vulnerable to issues such as tunnel vision. The case of the Yorkshire Ripper and the resultant inquiry was instrumental in changing the way in which investigations were run. A former detective who joined the police service in 1972, FD 1 explained that the approach to bringing teams together to investigate a murder was, in the past, rather ad hoc:

*“There was no bespoke investigation squad, it was all a question of who is on duty at the time who can come across to work on it” (FD 1)*

The picture today is very different, but it should first be noted that there existed differences in how the police forces represented in this research brought together investigation teams. For example, one had a team solely dedicated to major crime investigation, whereas another

metropolitan force had several groups tasked with investigating major incidents, including murder, to cover the large area. Despite differences between them the majority of police services in England and Wales will retain a core major incident team responsible for investigating homicide. SD 8 explained that such a team is permanently established in his police force:

*“You’ve got the team that takes the main responsibility for running the investigation, which is your Major Crime Investigation Team, so you’ve got your incident room staff set-up and they include SIOs, HOLMES staff, they’re all based in the major crime department. Then you’ve got your outside enquiry team and they come from the BCUs across the force” (SD 8)*

Several interviewees described homicide teams today as being like a “well-oiled machine” and believed that the system on the whole works well. In particular they often commented on the speed with which the major incident room could be established:

*“If a murder happens at 3 o’clock today, by 4 o’clock it’d be up and running, the roles would be allocated, the HOLMES would be set up, the SIO would be appointed” (SD 8)*

Similarly, SD 16, whose police service has had an established team to investigate homicide since the mid-2000s, explained that it has ensured that those involved have a sound understanding of the HOLMES system, know how to maximise evidence and what “snippets” of information may be “golden”.

However, one of the main problems in running homicide investigations today is the need to draft in investigators to work as part of the Outside Enquiry Team. For those teams that retain only a core major incident team, there remains the need to draw on assistance from officers on the Basic Command Units (BCU). SD 8 explained how having to negotiate for staff with the BCU can take time as they too are under pressure with limited resources, making it difficult for them to release officers for what might be an extended period of time:

*“The delay is always getting the teams from across the force to come in and actually do the work outside and there’s always a rub because BCU management have targets they have to hit, they have an awful lot of pressure because of a lack of resources, so there’s always a difficult discussion ... but when you have a large scale investigation, an incident breaks, then it’s critical that the force gets it right” (SD 8)*

The following comment demonstrates how this will play out:

*“I’m a Detective Super within the specialist crime department and I come to [names place] to pick up a murder that’s happening in [names place] and the Super in [names place] doesn’t want to lose his or her resources and I’ll say “I need eight”*

*and they'll say "Can you go with six?" and I'll say "no, I can't I'm asking for eight because..." it's difficult. It's always agreed in the end but there's an equal amount of pressure on the SIO to release resources back to their day job" (SD 8)*

Whilst the Major Incident Room Standardised Administrative Procedures (2005) states that BCU commanders must release to the SIO the required resources, this is in reality often a case of negotiation, followed by the additional pressure of having to release officers back as soon as possible. SD 25 gave an example of a homicide on which he had recently worked, where negotiating for officers to work on the investigation proved challenging. He attributed this to reductions in budget:

*"My baby homicide took me two days fighting tooth and nail to get a DS and four. I know of a murder this weekend where all they've got from division is a DS and two...you're on the phone two days fighting for them. It's horrendous and that will have a knock on somewhere that will ultimately mean a mistake is made because with less you get less, all these buzz words, do more with less, great, but with less you get less" (SD 25)*

SD 25 also commented that this would not have occurred when he first joined the police service in 1995, and recounted a time earlier in his career when he was called to work on a murder investigation, but attended the briefing late because he was dealing with another case:

*"I walk in and it's twenty past two and the briefing is underway, and I won't name the DCI that did the briefing because he actually is a nice fella, but I had a seismic bollocking off him afterwards. He said "don't you ever, ever walk into one of my briefings like that, I phoned up at ten o'clock and said I wanted four and gave four hours' notice and I said the briefing's starting at two and you walk in at twenty past and I won't be repeating the briefing to you, speak to one of your colleagues" and I thought I'm not even going to waste my breath telling him how hard I tried to get in because it'd result in a huge bollocking. That was then and now I'm having two-week battles to get staff here" (SD 25)*

These difficulties will arguably be heightened when we consider that because of financial pressures, this police service will be cutting back to a very core team and the need to draft in officers will again be required:

*"Interestingly with all the financial pressures we have got at the moment, we are heading back towards pre - 2007 where we will have a very core support and we'll have to draft officers in from elsewhere" (SD 16)*

This is also being experienced in larger city police force areas. SD 26 explained that because of austerity they had lost eight DSs and sixteen DCs in the last year. Whilst he did not feel that this had a significant impact upon investigations generally, he explained that it leaves no contingency if others are sick. SD 26 also described how despite having a dedicated Major

Investigation Team for “big jobs” they would sometimes need to draft officers from divisions. He supported the view that this could be difficult and attributed it to austerity. Additionally FD 2 suggested that dedicated teams are being reduced due to other crimes requiring attention, as well as the fluctuating homicide rate and money:

*“It’s difficult; a lot of it is driven by money. The problem is when I was Head of Major Crime we were averaging anything between 15 and 25 murders a year, it’s gone down now and I was only speaking to them last week, and they’re averaging less than 10 sometimes so to have a designated team of standby it’s just you can’t afford it. So the team is now being shrunk. It’s obviously demand driven, money driven. Lots of other things are going on in the world. I mean homicide is important but if you look at what else is going on, all the cybercrime, fraud is massive and online sex abuse and public protection is massive, vulnerable adults and sexual assaults of children is enormous. So can you really afford to have dedicated staff just for murders, well ok they are important, but the murder rate is dropping anyway?” (FD 2)*

The establishment of major crime teams that contain a core staff with officers drafted from BCUs to work on the Outside Enquiry Teams has been advantageous in several respects and an improvement on the ad hoc nature of establishing teams in the past. We have seen, however, that negotiating for officers to assist with these investigations is difficult. Teams are also being reduced in size, which was attributed to several factors. When we consider the benefits of these teams their reduction in size arguably gives cause for concern and raises questions around the impact that this might have on the running of homicide investigation in the future.

There was some disparity in how homicide teams are put together and one police service represented within this research had established a Major Crime Investigation Team (MCIT) that had *sole* responsibility for running these investigations, including homicides. They did not have to draft officers in from outside that team. SD 13, who was from this police service, explained how drafting in officers had been problematic. He explained that because of the challenges faced by those departments, the officers that would be sent to assist with a homicide investigation would sometimes be those who were simply available, rather than those with the necessary skills:

*“It wasn’t always the best staff that were sent on the murder enquiry” (SD 13).*

SD 13 explained that when a major incident occurs teams are up and running in 30 minutes as opposed to three days. Although the establishment of the MCIT means that SD 13 is no longer required to negotiate to secure officers to work on investigations, he explained that

other considerations would still need to be made when deciding which individuals working within the MCIT would be chosen to work on a case, such as leave or court commitments. Nevertheless, it is clear that to be able to establish a team quickly and without the need to negotiate with others or the pressure to release officers back quickly is an improvement to the situation being faced by other police services. However, it was also said that this model limits the opportunities for others to gain experience of major crime investigations:

*“I think the other problem is with the loss of experience is with the way that major crime teams are set-up, so now that we don’t draw from districts we haven’t got people getting major crime experience out on districts anymore, so unless they get posted here as a proper posting, they’re not picking up that experience, so I think that is potentially a problem” (SD 13)*

It has been demonstrated in this section that the ad-hoc approach to drawing investigative teams together has been replaced by a system that sees major incident rooms established in less than an hour. However, it is also evident that differences remain across the police service with some witnessing the establishment of dedicated teams and others continuing to face the significant challenge of drafting officers in.

#### A Question of Experience: Civilian Investigators

The interviewees told of an increase in the number of civilian staff employed to work on major crime investigations. As an example, one serving detective noted that only 23% of the staff that made up the MCIT in this force were detectives and the rest of the team were civilian staff. When asked why there has been a move towards the use of civilian staff in the investigation of homicide, many remarked that it is a change aimed at saving money:

*“In our force we’ve had to lose £40 million in four years and we’ll have to lose I think £40 million in the next 4 years, and staff costs are the greatest costs, so police officer numbers have reduced dramatically” (SD 22)*

The civilians employed to work within major crime investigation come from a variety of backgrounds, with different experiences and skill sets, and are cheaper to employ. SD 22 described the civilian staff within their MCIT as a “complete and utter mixed bag”. SD 13 who worked for the same police service reiterated this:

*“Some were ex-police officers, but not all, some had come straight in from university, some from other investigative type roles, like insurance investigators, it’s pretty much 50/50 in terms of investigators that we would put on outside action teams, we’ve probably got 28 DCs and a similar number of what we call Major Crime Investigation Officers” (SD 13)*

In considering the implications of civilians working on homicide investigation, one interviewee was critical of their use in running HOLMES. FD 12 was a retired detective now working as a HOLMES document reader/receiver. He suggested that there might be problems in the future when the retired detectives, who often return to the police service as civilian staff, have gone and it is only those without a police investigative background working on HOLMES. FD 12 felt strongly that experience of detective work is an important part of being able to efficiently run the system:

*“There is no investigative background...I think to do those roles, they’re not an administrative role, they are first and foremost investigators as part of the investigation team and the danger is that they will be purely civilianised” (FD 12)*

SD 13 also spoke of the difficulties that can be associated with civilians working within Major Incident Rooms (MIR) such as occasions whereby alibis were not followed up. However, SD 13 also remarked that there are enough experienced individuals working within that team, including former police officers, that any problems should be swiftly identified. SD 22, who works for the same police service as SD 13, where civilians make up a significant percentage of their team, gave another example of such issues:

*“To me that’s where we’ve lost that basic policing investigative skill and a lot of our police staff do, for example, roles like the Exhibits Officer, which a lot of people presume is a case of just cataloguing the exhibits, but it’s not, you need to interpret them. And a great example, the murder on Christmas Day, we didn’t know when he had died and in the exhibits there was a receipt for a burger bar from the 16<sup>th</sup> December so 10 days earlier or something, and they didn’t even consider it, they just logged it, probably put a photocopy into the MIR for somebody else to review later. Now, as it transpires the victim was actually murdered on the 17<sup>th</sup> so suddenly that became very significant but, by the time we realised that, the CCTV from the burger bar had gone, so my question was “well why didn’t you, when you looked at that consider...because not even around the murderer, but a potential witness, getting the CCTV so we could at least have a line of enquiry from the witness?” “Oh I don’t know”. So you have to try and instil investigative detective skills in somebody who hasn’t had that basic upbringing from shoplifters to car thefts to burglars to assaults to kidnap or whatever other crimes” (SD 22)*

Those who seemed most critical of the use of civilians in homicide investigations were often former officers themselves, some of whom were now working as police staff. They placed much importance on investigative experience and were concerned those without such experience working on investigations.

Conversely, one serving detective argued that whether or not an individual held a warrant card made no difference to their abilities, as it was what they could bring to the investigation

that was more important. They argued that no one is born a detective and that everyone has to learn and gain experience in this line of work, which can be achieved by civilians. When asked how someone learns to be a detective, they responded that it was down to training and experience, notably exposure to cases:

*“It matters not whether you are a cop or a civilian, it’s the training and how you get there that’s important” (SD 15)*

Furthermore, one serving detective argued that there are important traits required of investigators that might be possessed by any individual. Indeed, when others were asked what skills were required to be an effective detective, the traits mostly cited were being resilient or dogged.

This section has illustrated that participants described some concerns around the increasing employment of civilian staff in the investigation of homicide. Notably, none of the interviewees reported the presence of civilians in investigations that they worked on in the 1970s, 1980s or 1990s and there was no reference to them in the homicide case files that were reviewed. When speaking informally to one detective between interviews about the future of homicide investigation, they suggested that it would see increased numbers of civilian staff. If the concerns of those interviewed are correct, the mounting employment of civilian staff raises questions for the future efficiency of homicide investigations. These issues become increasingly important when we consider that exposure to investigations as part of training is becoming increasingly difficult, a topic to which I return in Chapter Eight.

#### From Securing Confessions to Models of Interviewing

Although the interview will be touched upon elsewhere, for example, during discussions around the introduction of the PACE in Chapter Six, this section will consider the way in which the police interview has changed, with particular focus upon the move away from securing confessions.

Many former detectives told of how before the introduction of PACE, suspect interviews were unstructured, not subject to any real scrutiny and that the focus was very much upon obtaining a confession, something that the literature also reveals:

*“In the old days you’d always go for a confession if you could” (FD 10)*



SD 15 acknowledged that this would be the approach of his predecessors and highlighted that it sometimes saw the poor treatment of suspects as they tried to secure that all important confession:

*“I would say that the interview of a suspect has moved away from the goal of securing a confession, which is what it always was when they oppressed and they poorly treated in order to gain a confession that was the goal of an interview years ago” (SD 15)*

As well as the goal being to secure a confession, prior to the establishment of PACE interviews were not recorded. One interviewee described how reliance was placed on taking notes:

*“When I first started it was contemporaneous recording, you’d go in, you would interview them and write down afterwards what was said” (FD 4)*

The comments of FD 12 further illustrate the contrast between the way in which interviews were conducted historically and the way that they are used today, indicating that today’s approach is more structured:

*“If you arrest someone it’s not a question anymore of “I’ve dealt with him in the past, I’ll give him four or five fags and I’ll get him to...” They’ve got to be a lot smarter now and say “right, for everyone that comes in we’ll do an interview strategy, we’ll know the areas of questioning we want to go into, we’ll know when to introduce certain witnesses”” (FD 12)*

As was discussed above and in Chapter Two, PACE saw the introduction of the recorded interview, which removed what were inevitable arguments around what was or was not said:

*“So you are going from “well I did say, I didn’t say, yes you did” to “let’s play the tape, here is the audio, here is the video, here’s what happened in the interview room” so that’s changed out of all recognition” (FD 4)*

However, it took sometime before a formal approach to interviewing was established. As outlined in Chapter Two, it was in 1992 that seven principles of interviewing were developed, which coincided with a training programme on investigative interviewing (Gudjonsson, 2007). It is also noteworthy that the early 1990s saw a shift in the terminology around interviewing with the phrase ‘interrogation’ replaced with ‘investigative interviewing’ (Brookman and Wakefield, 2009). SD 15 summarised the way in which interviews are now conducted:

*“I think we’re probably now far more professional in the way that our interviewers are trained; we have different categories of interviewing as somebody progresses in their experience and skill in interviewing. The tier two, tier three, tier five interview*

*advisor levels. So it's probably a much more professionalised and scientific approach to the way in which we interview now as to years ago when you just said a hundred times to somebody "you did it didn't you? You did it didn't you?" until they said they did it" (SD 15)*

Those that discussed the interview agreed that its professionalisation and structured approach has improved the way in which the interview is conducted:

*"I think the professionalisation of it is a good thing overall and I think that the benefits of having a model far outweigh the place we were in before where what made a good interviewer had a bit of mystique around it, so I think that's a good thing" (SD 15)*

On the other hand SD 13 suggested that one weakness of a structured approach to interviewing was that some officers could be fearful of going outside of the model:

*"I think the training ought to be geared towards that kind of understanding that the model is just a tool and doesn't need to be followed in such a slavish way, but the interviewer needs to have a clear understanding about what they are trying to achieve from the interview" (SD 13)*

SD 13 suggested that it was both a lack of experience and a fear of getting it wrong that can leave individuals reluctant to step outside the model. This interviewee talks of a fear of getting it wrong, a theme that was to remerge when other legislation and regulation was discussed:

*"We have models of interview to follow and I think with less experienced staff they're more reluctant to move away from the model and if all you're doing is being a slave to the model you'll miss some obvious things that are coming up in that interview because you're focused on applying the model and you don't feel confident enough to go outside and just allow the interview to go where the interviewee is taking it...it's a fear of getting it wrong and just a lack of understanding really of what the model is actually there for. The model is there to just give you a very basic structure and hopefully make sure you don't miss anything. But, really and truly, interviewers have to be skilled enough to listen to what they're being told and react to that at that time" (SD 13)*

A QC proffered a similar viewpoint. He felt that interviewers were nervous of stepping away from the interview plan and explained that this was a response to past criticism of police interviewing. This participant went on to describe that because of interview models, the interview has become overly long and complicated by *"getting bogged down in the detail"* and that by the time the transcripts are prepared for court and *"cut down to what is digestible, those subtle points are lost"*. The advantages of changes to interviewing, however, were acknowledged and the QC described how whereas in the 1990s much of his defence work

centred upon trying to get interviews excluded because of the way in which they were conducted, this is no longer an issue.

The way in which the interview is conducted has changed significantly. It has moved from an un-taped, unstructured approach with the central aim being to achieve a confession, to a far more structured process, a change that is reflected in the shift in terminology from ‘interrogation’ to ‘investigative interviewing’. It has, however, been established that there are some concerns about the tendency of some individuals to rigidly follow the interview model. This is seemingly the case despite the introduction of tier-three specialist interviewers for major crime enquiries, which were discussed in Chapter Two.

#### ‘Getting it wrong is so much more costly’: Budget and Homicide Investigation

The police service has faced significant funding cuts (Her Majesty’s Inspectorate of Constabulary, 2014). The impact on homicide investigations was a line of questioning pursued in this research. The view was that this was an area that had also seen significant change:

*“Murder investigations were without budget basically, they just came in and did what they had to do, lots of detectives paid a lot of money, there wasn’t much constraint on what they did” (FD 5)*

However, today budget is subject to more scrutiny than the above quote suggests was the case during the 1970s, 1980s and early 1990s:

*“There’s huge scrutiny on the budget, certainly with our last Chief Constable, for every murder enquiry, he would visit the MIR and speak to the SIO within about two or three days of the job breaking and that would be on the top of his list, about the budget” (SD 13)*

Although SD 13 described there being scrutiny of the budget, he also explained that the level of scrutiny would often depend on the stage the investigation had reached. For example, he explained that if they did not have anyone in custody then the Chief Constable would ask questions about the lines of enquiry being pursued and whether the investigation was being progressed in such a way that it would lead to suspects being identified. However, budget would be the main concern if someone were in custody.

Clearly, advances in science and technology have increased the importance of decisions around budget, as will be discussed in Chapter Eight. Sending exhibits for testing is costly

and, in a further reflection of the attention that is given to budget management, SD 15 explained how such decisions would require authorisation:

*“It wouldn’t be a prudent use of public money, whether we had lots of money or not, we try and be efficient is the bottom line. I know we have got a forensic budgets manager in headquarters so we come up with our forensic submission and it goes through to headquarters and is authorised or not and I suppose if towards the end of the financial year money is getting tight he may start bouncing some requests and probably because it’s homicide we may get yes where other people may get no. There is a lot of focus on achieving the best we can with the least amount of public money being spent” (SD 15)*

The remarks of SD 15 indicate that whilst budget is undoubtedly an important consideration for homicide investigators today, the nature of the offence is such that it is unlikely that requests to test exhibits would be refused. However, there is a balance to be achieved in providing a gold star service whilst remaining mindful of cost:

*“As an SIO we’ve still got to be accountable and when you talk about finances that’s staffing as well. You’ve got to remember that we’ve got to do more for less, there’s been massive financial cuts, so when I’m asking for staff from divisions now they haven’t got much give, of course you’ve got forensic costs, we scrutinise and we say “what do we need, what do we need to achieve”, that’s the question I ask: “why are we doing it?” Perhaps in the past and still now to some extent, some people still do everything. It costs an absolute fortune, thousands, just to get a basic something done” (SD 21)*

SD 20 suggested that the seriousness of homicide remains such that investigations are not suffering despite budgetary concerns:

*“I’ve been lucky enough to know that when we’ve had a murder and we dealt with a really nasty murder last year of [names victim] who was killed by [names offender], I can honestly say this force did absolutely everything it could in that case and I couldn’t quibble or question anything despite the financial pressures that are around. When [names victim of homicide that occurred in another force area] was murdered, I’m sure that the SIOs of that case would probably say a very similar thing, because when those big high profile ones take place I think that police forces generally get it right and senior police officers generally say “what is it you need? You can have what you want.” So I can’t quibble on that” (SD 20)*

Furthermore, FD 9 indicated that the reason that police services will ensure that homicide investigations do not suffer as a consequence of budget is the fear of repercussions if problems with the running of an investigation are identified, which can reverberate for years after the offence occurred:

*“In some senses getting it wrong is so much more costly and we’ve seen that here with the [names case] and everything else now and I’m sure that’s one you’ve read a*

*lot about because it's been one that has dominated the history of [names place] major crime investigation for years and years and years" (FD 9)*

Whereas homicide investigations before the 1990s were rarely restricted by budget, today's climate is such that scrutiny of the budget is something that today's investigators must contend with. This is particularly important given the costs associated with the scientific and technological testing of evidence. However, those interviewed seemed confident that today's homicide investigations would not suffer because of financing and some attributed this to the seriousness of the offence and the ramifications of any failings.

#### 'I don't think you can do it all': The SIO, Their Team and The Role of Experts

One of the clearest findings to emerge was that homicide investigations are more complex than in the past. This is unsurprising when we consider the scientific and technological advances that have been made, but the other changes presented in the forthcoming chapters have also added to the complexity of investigating homicide today. FD 2, who now advises SIOs, summarised the myriad of matters that must be considered:

*"You can be on a murder it's quite easy now, to in a high profile murder forget the fact that you've got to actually find the murderer because you're dealing with so many different aspects. You're dealing with resourcing, money, media, politics, getting your policy book absolutely right because that's open to scrutiny, every decision you make it's got to be you know, disclosure is massive, so every decision you make is going to be scrutinised, your staff, the selection of your staff, who you'll use to do what. If you're going to send somebody to interview a child witness, they've got to be sending the right person, if you're going to interview suspects they've got to be trained, you should have interview coordinators to coordinate it, you've got to have family liaison officers. So to try and coordinate all these different things is difficult. People just think: "oh you're just investigating a murder", but it's not, it's massive" (FD 2)*

FD 2 went on to describe a case that on the face of it might be considered straightforward. Indeed the literature would describe this case as a 'self-solver' (Innes, 2003), which is considered to be more typical than the 'whodunnit'. However, these remarks illustrate that there might be no such thing as a straightforward homicide investigation:

*"In my experience, I don't think that I've ever dealt with one that's easy – ever, even though on the face of it they look it" (FD 2)*

With the above comments in mind the next section will consider the necessity for today's SIOs to rely more heavily on their team and outside expertise.

It is important to note that this section refers to the *increasing* possibility that detectives investigating homicide will have to rely on others in their team and outside experts, as the data suggest that this is not solely a feature of modern-day investigations. Specifically, not only has teamwork always been an important component of investigative work, but the analysis of the case files indicates that outside expertise was also commonly used in the mid-1980s. The homicide case file for a 1980s murder contains the report of a Consultant Forensic Psychiatrist providing a profile of the offender. Although the Forensic Psychiatrist themselves admits that the work is quite speculative, a 2013 review of the case describes the report as providing a “*plausible profile of the offender*” (1980s Homicide Case File), supporting the continued relevance of this expertise to the investigation.

The data obtained from the 1990s homicide case file also supports the theme of increased use of outside expertise. The victim in this case went missing in the 1990s and their body was not discovered until the early 2000s. An unsolved homicide at the time of writing, the investigation that took place during the 2000s mentions drawing on anatomical experts, behavioural analysts, clinical psychologists and geographical profiling “*to assist SIO investigative strategy and hypothesis and ensure national expertise is utilised to help progress enquiry*” (1990s Homicide Case File).

SD 8 described the use of an expert as helpful during investigations and stressed the importance of being receptive to the advice of others:

*“I see them honestly as gifts, but the challenge is in being open-minded enough to think of all the possibilities and to take the advice from people. That’s massive for me because these people can really help you” (SD 8)*

He then provided an example of a time that he drew upon expert assistance, highlighting that a key advantage of employing such help is that it can introduce them to new techniques:

*“We used a technique called ‘acid black’, which is an acid that you pour over a floor or surface and if there’s been blood there, and if you wash it away protein is always left, which I didn’t know, ‘acid black’ will show up the pattern of that protein. So in the [names victim] murder the suspect then had washed the kitchen floor with bleach and it was absolutely gleaming in there, so when we pour this ‘acid black’ over it we exposed where [names victim] had been dragged across the floor. I wouldn’t have known that if I hadn’t listened to people and given it a try. I genuinely get excited by the prospect of an expert helping me because I’ve got a huge job to do, I can’t do it by myself, so I don’t see it as anything but positive” (SD 8)*

Similarly, SD 13 talked about POLKA, the Police Online Knowledge Area, which is an online resource that allows police officers to “ask questions, share insights, discuss ideas and

suggest new ways of working” (College of Policing, 2015a). SD 13 explained that this was of use to him during one particular investigation whereby establishing whether the victim’s cause of death was related to the violent assault they had endured several days before was proving complicated. This is a further example of the important role played by experts during investigations:

*“Basically he’s covered in injuries which are clearly consistent with being assaulted, one of ears was partially cut off so he’s obviously got loads and loads of assault type injuries, then the cause of death was actually renal failure brought on by dehydration. None of the injuries that he suffered would have actually caused his death. So we’re in the situation where he has been very seriously assaulted, but we can’t charge murder at the moment because we can’t make that link. The pathologist recommended that we get a psychiatric opinion, so that’s where it then came in handy to go right around the country because what we found was there was a job in [names location] where a ship had come in, sailor had gone ashore, he got beaten up by a gang, he got back to his ship and then he died. There was no connection between the assault injuries and his death, but this particular psychiatrist came up with an opinion that basically he’d been frightened to death. So we’ve instructed the same psychiatrist to look at all of our circumstances. I’ve already had a meeting with prosecuting counsel and CPS and if the psychiatrist does make that link then we will change the indictment to murder” (SD 13)*

SD 15 also spoke of the importance of being able to draw on the help of experts. SD 15 explained that the National Crime Agency (NCA) could assist in putting them in touch with advisors and other SIOs:

*“If you need an ‘ologist’ in whatever, the most bizarre subject you can think of because it’s relevant to your case, you’d go to the NCA and they’d research their databases to see if there’s an SIO around the country who’s come across the same issue and out you in touch with them. There’s a lot of resources available for consulting with other SIOs and learning from other people’s experiences” (SD 15)*

The interviewees explained that today’s SIOs must rely on others to oversee aspects of the investigation and feed it to them illustrating how the wider team, as well as expertise from outside, plays an increasingly vital role in the investigations. The remarks of SD 13 illustrate the differences in what the SIO of the past would have to deal with compared to today and why they must now rely upon those around them:

*“If you go back say 20 years or so, the SIO wouldn’t have to worry at all about CCTV, telephones or telephony, social media or any of that stuff and it would all, I say all, it would still be a massive amount of information that the SIO would have to concentrate on, what accounts were being given, certainly some forensic evidence the SIO would have to be on top of but again that would have been a lot less in its scope and complexity. Whereas now, I can’t keep on top of all the minutiae of telephony, I*

*have to be totally reliant on the analysts telling me what they're finding and what the interpretation is" (SD 13)*

SD 13 gave an example that illustrates the volume of CCTV footage that can be gathered during an investigation and that consequently it is not possible for them to be involved in the viewing of large amounts of material:

*"You need to be reliant on the teams going out to trawl the CCTV to make sure they've done a thorough job, the SIO can take a walk through an area, but sometimes you'll have multiple areas that you need to trawl for CCTV, then you need to have the absolute faith that the methods they've used to actually to grab the CCTV off the systems has been appropriate and then once it all comes in here the SIO will have to set parameters around what's being viewed. I mean [names case], which was the CCTV area that I led on, we'd actually, if you laid it all end to end we had 11 years of CCTV material, so you can't view all of that so you have to come up with parameters around what you are and are not going to view and that's an SIO decision, but once people are viewing you have to have faith in them that they are viewing properly and that they're picking up all the details, there's no way the SIO can go and check that" (SD 13)*

SD 21 also explained the importance of putting trust in others, as it is not possible for the SIO to do everything. He highlighted the difficulties with this, explaining that not all actions are completed correctly and will sometimes need to be repeated. Additionally, SD 21 outlined the additional day-to-day requirements of their position that will need to be managed alongside the homicide investigation itself:

*"I don't think you can do it all, you've got to rely on your team otherwise why have them? So you've got your Office Manager who oversees the HOLMES and you've got a HOLMES manager, so the office manager makes sure everything is running smoothly in that office, you've got a HOLMES manager to make sure the typing and everything is being done, forensic manager. I mean you are giving them direction and they provide you with a strategy that you will read but to go into the minutiae of each one and some SIOs will do, but to me if I went into that minutiae, and you've got to remember I haven't just got this job, it's managing a department, managing sickness, compliance you've still got to do all those things so it's not just 'I'll do this murder and work through it and sit and wait for the next one' so you need to rely on sergeants and DCs to do their bit" (SD 21)*

SD 16 explained that it was important that they make use of advisors for various strands of the investigation. He explained that this was important since if they were to become involved in what he referred to as something "evidential", such as the arrest of the suspect and subsequent interviews, this would mean that they would be unable to oversee the other strands of the investigation.



To summarise, the data presented above indicate that although the use of outside expertise was evident in the past, as was revealed by the case files, the interviewees reported an increasing need for the SIO to put their trust in other members of the team and take advantage of outside expertise such is the complexity of modern-day investigations. A point reinforced by the remark of one detective that it can be easy to forget that they need to catch a murderer. It is no longer feasible for one detective to hold and manage all the information. Linked to this, they spoke particularly of how valuable it was to learn from other SIOs. The notion of learning was also discussed in the context of learning from investigations, with the former and serving detectives speaking of learning from past homicide investigations that had been critiqued and from more recent investigations through reviews and debriefs. It is to this that I now turn.

### Learning from Past and Present Homicide Investigations

A further finding to emerge was that learning has become an important part of investigations, which would not have been the mind-set in the past:

*“I think going back to my early days as an SIO there was sometimes this ‘well what do they know better than me?’ and there were elements of that amongst certain investigators” (FD 9)*

The interviewees felt that the influential cases of the Yorkshire Ripper and the murder of Stephen Lawrence identified what was, and was not, working effectively in homicide investigations, presenting opportunities to learn from the mistakes that had been made and identified in subsequent inquiries. They also spoke of the importance of learning from each investigation that is conducted.

The interviewees spoke positively of the opportunity to learn from, and improve upon, the deficient practices that had been brought to light in the past and this is reflected in the literature. Roycroft (2008, p51) examined the themes that have emerged from 40 years of reviews and public inquiries into murder investigations and stresses the importance of learning from past inquiries in order to develop and improve practices:

Past inquiries can help inform present or future investigative strategies by providing best practice and highlighting potential pitfalls. There is a need to retain organisational learning from past inquiries to assist future generations of investigators.

One former detective explained how the Murder Investigation Manual, which was updated following the Macpherson Inquiry, alongside learning from past mistakes can help ensure that errors are not repeated:

*“The manual was making sure that the stopgap is that things weren’t being forgotten and that you are actually applying all the good practice that has been developed over the years and all the learning from the likes of Stephen Lawrence and other enquiries that had gone wrong and then making sure that we didn’t repeat the mistakes of the past” (FD 9)*

It also appeared that whilst such cases brought opportunities to learn and improve practices in investigations generally, they also bring the chance to learn how to manage investigations that are less typical and not so regularly experienced by investigators:

*“I think it’s still the case that sort of 95% of murders are committed by people close to them actually helps you with most murder enquiries, the problem is when you get involved in something like a psychopath or somebody that crosses boundaries, then you have something like the Ripper Inquiry and the Byford Report and Stephen Lawrence, it takes those big events to actually realise, to make you look at “actually, we’re not doing things all that well”, it’s ok if things are simple” (FD 6)*

Furthermore, one detective spoke of the Stephen Lawrence case and the reaction to the publication of the Macpherson Report, demonstrating the significant impact that it had nationally and outside of the Metropolitan Police Service (MET) that investigated the murder:

*“Macpherson was all about the MET the Stephen Lawrence enquiry and the MET were branded as ‘institutionally racist’ and I can remember at the time that came out it was a massive thing for police forces throughout the country and, as a result, there was training that was introduced in relation to dealing with homophobic, racist and how you deal with minority ethnic groups, and so there was a big training programme that was embarked upon, because it was up and down the country, it was major” (FD 3)*

According to this interviewee, the changes that followed the Macpherson Inquiry improved the way in which their police service dealt with ethnic minority groups:

*“I think we’ve become better with the way that we deal with ethnic minority groups, we’ve got Family Liaison Officers, the use of interpreters, the use of our partners, IAGs – Independent Advisory Groups – and things like that. I think we do engage with a lot more other people now to helps us do things in the right way” (FD 3)*

The interviewees explained how learning from the past has led to the increased professionalisation of what the police do. One interviewee cited an understanding of the ‘golden hour’ principles that emerged as a result of the Lawrence case and the introduction of the HOLMES system in the 1980s, as examples of professionalisation. SD 8 explained that

before the police service became more professionalised, investigations would be very much reliant upon the “*investigative flair of the SIO*”, whereas professionalisation has provided a structure that was not in place previously:

*“Because of those horrendous things which have happened over the years we have got structure, a blueprint now of how to investigate properly and we’ve got training that allows us to apply those skills and it has professionalised the police service and it’s made what we do far, far more structured and we do things far more intelligently than we used to” (SD 8)*

As well as learning from high-profile cases of the past, FD 9 explained that recent cases also provide opportunities for learning and in assisting them in the investigation of subsequent cases:

*“I think if we use the [names case] as a case in point, looking at it from a gold perspective, there were two cases that sprung to my mind when I realised what we were dealing with; the Soham murders and the case in Bristol, Jo Yeates, because of the media and the learning that had come out of those two for me were critical for us in [names force] in making sure that we put the right kind of systems and people in place, had the right expertise and if you remember, going back to the Soham murder, they were criticised in the beginning because they didn’t ask, they tried to cope with it all themselves and my position was if we need anything from anywhere let’s just get it here and do it, but of course we were in a slightly different position there where in those early days we were looking for a girl who was possibly missing rather than a murdered child, so the expectation was a lot greater that we would put the resources in right up front, so we had all the search experts, we had every force in the country involved in it to kind of make sure that we absolutely did everything that we possibly could so that there was no stone left unturned that could have meant the difference in finding her dead or finding her alive” (FD 9)*

SD 13 also explained how they have improved the management of media in investigations by learning from their own previous experiences. This example also suggests that the impact of high-profile investigations of the past remain at the forefront of the modern-day investigators’ mind:

*“We’ve learnt from that, from minute one of a murder enquiry we’ll make an assessment of what is going to be the media interest in this, so the case we had in March which was the stabbing of a 19 year old black lad and it came at the time that the latest news came out about Stephen Lawrence, so the media do work in themes, so you had Stephen Lawrence and then a 19 year old lad stabbed in [names location], so we thought that this was going to be a huge media story, it wasn’t as it happened, but straightway from minute one we’re starting to plan for that in addition to working out what we’re going to have to do for that investigation” (SD 13)*

Two former detectives who were still working within major crime talked about the domestic homicide review. They explained that these would also provide opportunities to reflect upon

and improve practices, as well as learning how homicides might be prevented in the first place, although it is noteworthy that FD 3 explains that similar problems reoccur, raising the question of whether lessons are learnt:

*“I’ve done five domestic homicide reviews in the last 18 months. The same themes always really there, it’s around how officers deal with incidents. What you’re looking at is the previous incident or calls to, all police contact with the victim or perpetrator, so you analyse that evidence in detail and see how the police dealt with it, should the case have been referred to MARAC or MAPPA, should the perpetrator have been arrested, what support was offered, other agencies involved?” (FD 3)*

FD 2 spoke of the benefits of the domestic homicide review:

*“It brings a great depth of understanding and perhaps intervention because you can see things...which are going to happen, built upon, and more so with domestic homicide, you can see this picture spiralling out of control and something is going to happen and it suddenly bang it blows up... We want to prevent rather than just waiting for it to happen and that’s only done by people sharing the right information at the right time” (FD 1)*

It is interesting to note here that the homicide review provides another opportunity for learning, although some detectives remarked that is something that detectives might be nervous about and see it as a source of scrutiny. Introduced in 1998 the 28 - day homicide review aims to:

*“identify and develop investigative opportunities that will progress an investigation, to act as a form of quality assurance in relation to both the content and process of an investigation, and to identify, develop and disseminate good investigative process” (Nicol et al., 2004, p4).*

However, this process was not referred to in any particular depth by the interviewees and it was not cited as being a major development in the investigation of homicide, which would suggest that the introduction of the 28 - day review had not had any discernible impact upon the majority of those interviewed.

One interviewee mentioned that debriefs are an important feature of investigations today, providing further opportunities for continuous learning and improvement:

*“The good thing now about it is that every enquiry has a debrief so you take the learning from that and you apply that next time around as well” (FD 9)*

The importance of debrief is evident in the literature. Brookman and Lloyd-Evans (2015) found that whilst there is opportunity to improve the way in which the best practice that emanates from the debrief is disseminated, their value is clear. Through the analysis of 102

debriefs Brookman and Lloyd-Evans (2015) were able to identify both good practice and challenges, the reflection upon which allows investigators to take steps to improve performance in the identified areas, before they reach the point that the investigation fails to such an extent that a public inquiry is called. The value that the interviewees placed upon learning from past mistakes and from current investigations further suggests that the sharing of good practice identified by debriefs should be widened, as highlighted by Brookman and Lloyd-Evans (2015).

The data considered in this section suggest that there has been a shift in the approach to investigation. Whereas investigators historically had a mind-set of ‘we know best’ it would appear that today’s investigators are more willing to reflect on investigations and learn from them. The interviewees could see that many of the changes that occurred as a result of the Byford and Macpherson inquiries were necessary and of benefit to the way in which homicides are investigated today.

### Perspective and Change

Whilst the interviewees agreed that the opportunity to change in response to problems identified as a result of particular cases can be beneficial, many stressed that change should be proportionate and that we should not: “*change for change’s sake*”. The cases that are reviewed, and subject to public inquiries, are often those that are “driven by a variety of sources from political pressure to media campaigns” (Roycroft 2008, p45). The difficulty then is the pressure to be seen to change and make improvements.

SD 20 drew on the case of 10 year olds Holly Wells and Jessica Chapman who were murdered by school caretaker Ian Huntley in August 2002 (Wate and Birch, 2008). The concerns around the police investigation into this case resulted in a public inquiry. The recommendations saw the implementation of the Police National Database (PND). A report was also commissioned to scrutinise the investigation by Cambridgeshire Constabulary with “an emphasis on identifying lessons for the police service as a whole” (Flanagan 2004, p3). Resonating with findings from inquiries including Macpherson, Flanagan (2004) found that the SIO had not received appropriate training, there was a lack of momentum during the initial stages of the investigation, and there was poor coordination overall. Whilst accepting that this case needed to be examined, SD 20 suggested that a less emotive response is sometimes needed:

*“The Ian Huntley case, which sparked a massive review of how intelligence is passed between forces, the Bichard Report, again some of that was stuff that you probably couldn’t control and some of it was stuff that would need a more, a less emotive reflection is probably the best way of expressing it” (SD 20)*

FD 9 explained that perspective was crucial in making recommendations for change, both in respect of reviews and public inquiries, and that it is important to know what the fundamental issues are:

*“It’s getting that right perspective on what really needs to change or learning what needs to be passed on, but actually means we don’t rewrite the Murder Manual or you don’t chuck everything up in the air and start again” (FD 9)*

Nevertheless, there are certain problematic cases that will take such a place on political, media and public agendas that there will be calls for inquiries and change. With the likelihood of human error, despite the changes that have already been implemented, problems in investigations are unlikely to go away completely; the police have continued over the years to make serious errors in homicide investigations. The impact of such cases on public confidence in policing is also significant; indeed Innes (2003) refers to such cases as ‘causes celebres’. SD 24 acknowledged that there was a need to stamp out certain practices that featured in major investigation in the past. Whilst SD 24 felt that the consequence of this has been that police officers can now be scared of talking to people, they recognised the impact that particular cases have on public confidence and that change can be a response to this. This provides some indication as to the complexities of responding to certain high-profile cases:

*“You can’t just stop and chat to somebody, you’ve got to put a stop report in that you’ve actually chatted to them and it just gets ridiculous really. But I understand a lot of trust in the police has gone because of the cases” (SD 24)*

As well as learning from past cases, the interviewees often spoke of the pressure that comes from the fact that the police continue to be judged on cases that took place decades ago. FD 7 commented on the fact that the police continue to be criticised for such cases:

*“Our critics are now beating us up about Hillsborough, which was April 1989, Stephen Lawrence, which was in 1993, and they are still bringing it up because of how bad it was” (FD 7)*

Indeed, at the time the fieldwork was being conducted, a heavily criticised murder investigation that took place during the 1980s was continuing to make headlines and was referenced by some of those that were interviewed. An additional point to make here is that several detectives remarked on the tendency for historic investigations to be judged on the

standards of modern-day investigations. Sir Lawrence Byford, who led the inquiry following the Yorkshire Ripper investigation, in an interview held in the 1990s, made a similar point:

*“It was clearly because they were prisoners of their time and it had never happened before. It’s not that they are wicked, stupid men, it’s just that they had never dealt with that before”* (Yorkshire Ripper Archive)

Another individual who worked on the Yorkshire Ripper investigation, also stressed the importance of perspective when looking back upon past investigations:

*“One must realise that looking at a problem after it’s been solved, when you’ve got the picture on the jigsaw puzzle box lid, are quite different from looking at it beforehand, when things are not all that clear”* (Yorkshire Ripper Archive)

It will be challenging, given the difficulties that surround the way in which particular high-profile cases are responded to, to ensure the perspective and proportionality that the interviewees stressed was needed. Ultimately, achieving a balance between being seen to address problems in investigations of particular cases, the nature of cases being such that they have led to public, media, political pressure and calls for inquiries, whilst taking into account the impact that change can have upon investigators and investigations, as set out in this chapter, will likely be difficult to fully achieve.

## **Conclusion**

The picture that emerges from the data presented in this chapter is one of increasingly complex investigations compared to those of the past. This can be attributed to several factors, but the growing prevalence of science and technology is undeniably influential. As a consequence today’s SIO must now, more than previously it would seem, place their trust in other members of their team and be aware of and willing to draw on outside expertise. It has also been shown that more recent developments have raised concern among many of the participants, in particular investigative teams being reduced in size and the lack of police investigative background of some of these team members.

However, caution should be urged. That many former detectives were critical of civilian investigators raises the question of whether it is because of the way in which they perceived their positions as detectives. These detectives had worked at a time when there was a great deal of kudos attached to being a detective working on the most serious of crimes as we will see in Chapter Eight. It is quite possible that this could go some way to explaining their opinions of police staff. It should also be remembered that many of the former detectives

were still working for the police service as civilians and so their perceptions might also be based on those experiences. Additionally, some SIOs worked for police services with a high number of civilians working on homicide investigations, yet raised concerns around their levels of experience, which would suggest that these certainly are pertinent issues that require further consideration.

This chapter also reveals what we will see is a recurring theme, the impact of austerity on modern-day investigations. Although the interviewees stressed that investigations would not suffer significantly as a consequence of budget restrictions, its prevalence in the data, that which is presented here and elsewhere, is telling of the importance of it and of concerns around cuts. One area in which this was discussed related to the difficulties that BCUs have in releasing officers to work on homicide investigations and the negotiation for staff that follows. Some detectives attributed this to the cuts that the police service has experienced. This raises the question of whether there is in fact a risk that investigations have been or will be compromised as a consequence of cuts to the Police Service.

Now that I have documented the way in which the day-to-day running of homicide investigations have changed, the following chapters will look closely at particular elements of investigations, beginning with the growth in legislation and regulation for investigators and investigations.



## Chapter Six

### **‘It wasn’t leeway it was carte blanche. They were nigh on out of control’: Regulating Investigations and Investigators**

Due to the serious nature of homicide, its investigation is subject to a level of regulation and scrutiny that is not seen with other offences. This regulation and scrutiny has increased since the 1980s as a result of growing concern around criminal investigations and miscarriages of justice, amid what Maguire (2008, p444) termed a “growing crisis in legitimacy”.

With particular focus on the Police and Criminal Evidence Act (PACE) 1984, the Criminal Procedures and Investigations Act (CPIA) 1996, the Human Rights Act (HRA) 1998 and the Murder Investigation Manual (MIM) this chapter will provide an overview of relevant legislation, regulation and guidance since the 1980s and consider the impact each development has had upon homicide investigation. We will see that each presents its own unique benefits and challenges to those investigating homicide, but the central theme is the widespread belief that the increased legislation, regulation and guidance for those investigating homicide has led to increasingly onerous bureaucracy in investigations and risk averse detectives.

#### From the Judges’ Rules to PACE: A Necessary Change

Many of the twenty-seven detectives interviewed had enjoyed careers that spanned several decades. Due to the breadth of their experience a number of them provided insight into the world of homicide investigation before the introduction of PACE, a time when the work of detectives was much more hidden and not overseen in the manner that it is today, a time that is described by Gozna and Horvath (2009, p117) as being “free from external monitoring”. It is this picture of the past, as described by the interviewees, that will first be presented before we move on to consider the impact of PACE.

The views of the former detectives support the concerns that the preceding Judges’ Rules were nebulous:

*“Judges’ Rules meant to some degree that you had a lot more, almost freelance the way that you could do our own investigation” (FD 1)*

One serving detective described the Judges’ Rules as allowing more than a little leeway:

*“It wasn’t leeway, it was carte blanche. They were nigh on out of control” (SD 25)*

It would be incorrect to say that detectives paid no regard to the law, or that detectives and detective work were not governed in any way; as the quotes above illustrate, the Judges' Rules were in place. However, it is clear from the data that they were not regulated or required to abide by legislation to the extent of a detective today. This was evident within the homicide case file from the 1980s as there was no mention of any legislation, regulation or guidance. This is partly because this case was unsolved at the time that the fieldwork was conducted, but it is also a reflection of the limited regulation of investigations at this time. Differences between the regulation of past and present investigations can also be seen when we consider some of the practices of the time, which are far removed from the way in which detectives are now permitted to conduct investigations. The way in which suspects were dealt with in custody is a prime example. The former detectives told of how suspects could be kept in custody for long periods of time without being arrested and before being spoken to, the detectives used the phrase *"helping us with our enquiries"* (FD 6) to describe such practices.

As well as a lack of guidance on how long suspects could be retained in custody, it was acceptable to listen in on them when they were being held in the cells. This was the response of one former detective who was asked about what practices were commonplace in the past that would be unacceptable today:

*"It used to be deemed, years ago, when a person was charged, that you would put them in a cell and you'd listen to his conversation in his cell that was good practice. Now, of course, it would be deemed to be not fair and therefore couldn't be used"* (FD 1)

Interviews were not recorded; detectives relied upon notes that were often written up some time after the interview was conducted. This is particularly noteworthy when we consider the criticism that was commonly levelled at the police around the questioning of suspects and how confessions were obtained. This comment from a former detective whose career in the police service began in 1972 shows how notes were taken:

*"They were summaries. If I spoke to you and we had a conversation for three hours, I would maybe put a report in spanning four pages, but does that cover all that you said? No, and often key things were omitted"* (FD 1)

Although the practices outlined above were legal before the implementation of PACE, they were still open to attack by the defence. The defence would suggest that the confession was obtained under duress and question the interviewers' ability to remember what was said

during the interview. This former detective notes that because interviews are now recorded, the defence can no longer challenge what was and was not said, illustrating the clear differences between investigations of the past and those conducted today:

*“They’d get booked in with the station sergeant and be taken upstairs and they’d be interviewed, no tape recorder. You could spend hours interviewing somebody and the whole aim was to get them to confess and at the end of it you’d take a statement under caution and they’d sign it. That was open to attack; they’d say, “I made the statement under duress”. You would make your notes after you’d come straight out of the interview and make your notes and the first thing the Barrister would say is “well, how can you possibly remember that?” So they’d always attack the interviews. They can’t do that now” (FD 2)*

Investigations before PACE were also very different for solicitors. Now a QC, this participant was a solicitor before PACE was introduced. He explained that defence solicitors they were not privy to much information and you were seemingly at the mercy of the officers:

*“You were advising entirely on the basis of what a police officer might choose or not to tell you and you couldn’t rely on it, you had nothing in writing and you had very little comeback even if you were being misled” (QC)*

It is clear that homicide investigations were lightly regulated prior to the introduction of the PACE and, other subsequent pieces of legislation, and that these investigations were of a very different standard to those conducted today:

*“I think some of the investigations perhaps wouldn’t stand the rigour of today” (FD 1)*

This is reflected in the scepticism that the introduction of PACE was met with according to those interviewed:

*“We had a guy arrested for murder and we had introduced PACE as a trial six months before, so all the systems were in place that were being used just to make sure we got it right when it went live. And then a particular DS brought a guy in on suspicion of murder and the first thing he said to the Sergeant behind the desk was “get rid of all of that PACE stuff and get the charge sheet out”. He wasn’t comfortable with it this particular SIO and he wanted to deal with the system that he was comfortable with because it was an important case and he wanted it done that way” (FD 4)*

Given the extent of change that PACE brought, such doubt is unsurprising. This example is arguably indicative of the very reason that the mood at this time was that detectives needed to be controlled, a view evident in the literature and supported by those interviewed. Specifically, although the detectives were not entirely damning of past investigative practices

and claimed that much of what went on was legal, they could all see that major change had been necessary to achieve tighter control of detective work. The instances of miscarriages of justice that occurred during the 1970s and 1980s and the criticism that policing faced as a result was one of the reasons that change was considered to be necessary:

*“Policing couldn’t face a next generation of being criticised in terms of how investigations were run. They have got to be transparent and they have got to be auditable and they have got to be thorough” (FD 1)*

It is also important to note that detectives were not necessarily hiding practices from others, as much of what was described by the interviewees was common practice across the Criminal Justice System:

*“It wasn’t that the police were doing it in isolation or darkness, the solicitors knew it was going on, the courts knew, Judges’ Rules; it was the way it was” (SD 25)*

The changes that came about as a result of PACE brought new pressures and increased the workload of those who deal with suspects while they are in custody. However, the benefits were acknowledged:

*“Time constraints that you’ve got dealing with people in custody, availability of Solicitors is sometimes an issue, the police officer just wants to get on and deal with the prisoner, but if you’re waiting around for Solicitors, particularly if a Solicitor is dealing with two clients in custody they can’t be in two places at once. That can be problematic, but the benefits outweigh the problems” (FD 3)*

PACE was also considered by the interviewees to be the start of increased professionalisation of investigations:

*“I think any investigation became more professional when PACE was introduced. I think there’s no doubt it’s made everybody more professional in the way they investigated any offence, whether it is a minor theft, a house burglary or a murder inquiry. Everybody has to attempt to gain evidence before making an arrest and you just can’t go out and arrest somebody just because you feel it’s that person responsible. So, yes I think to me that was a time when things kind of changed as far as detection is concerned” (FD 17)*

To summarise, it has been demonstrated that change was needed and the manner in which investigations were conducted historically could not continue. The introduction of PACE brought “detective discretion under scrutiny and control” (Morris 2007, p31) and was just one example of a move towards increased professionalisation and standardisation of investigations through the introduction of legislation, regulation and guidance. Ultimately, it can be seen that its introduction was a pivotal moment in the history of homicide

investigation. It is therefore useful to consider the detectives' views of a specific case. For this purpose I drew on a homicide investigation, which saw the Senior Investigating Officer (SIO) breach this legislation. This case illustrates the impact of increased legislation upon the role of individual 'initiative' and 'experience' whilst 'adhering to the rules'.

### Breaking the Rules

SIO Steve Fulcher of Wiltshire Constabulary was investigating the 2011 disappearance of Sian O'Callaghan and suspected Christopher Halliwell of being involved. Fulcher took the decision to interview Halliwell at the scene, rather than follow PACE and interview him with a Solicitor present and following caution. During this 'urgent interview' Halliwell confessed to murdering Sian O'Callaghan and also confessed to the murder of Becky Godden-Edwards in 2002, taking the detective to the graves of the victims. As a result of Fulcher's failure to adhere to PACE, Halliwell was only convicted of the murder of Sian O'Callaghan, receiving a life sentence with a minimum term of 25 years (Johnston, 2012). The judge in the case described Fulcher as returning to a 1970s style of policing<sup>18</sup>.

The interviewees were asked for their thoughts on Fulcher's actions and, whilst they accepted that he might have acted in this way for the right reasons, they felt strongly that his actions were unacceptable:

*"I can probably see morally why he did it because "oh once the Solicitor gets to him he won't tell us everything" and I can understand that and I can commend what he did for the family of the second murder victim to find the body, if he hadn't done what he did perhaps the family would never have got closure and I can really see the human side of it, but being straight that's not his job and for me, as painful as it is, it's his responsibility" (SD 8)*

This view was reiterated by former detectives, which I had not anticipated. Since they had worked at a time of much lower level regulation and scrutiny, one might expect them to exhibit a more sympathetic view of Fulcher's position, but this did not seem to be the case. One explanation for this might be that many of the former detectives that were interviewed continued to work within the police service as civilians and might therefore have a more balanced perspective of investigations today:

*"He took no account of PACE, flouted PACE, it's a basic, basic error. He cocked up really" (FD 2)*

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<sup>18</sup> I came across this case when it was in the news and I was interested in both the detective's actions and the Judges' comments.

Although the actions of Fulcher, who was suspended but able to keep his job, meant that Halliwell's confession to the murder of Becky Godden-Edwards was ruled inadmissible and the charge dismissed<sup>19</sup>, her mother came out in support of the SIO calling for reforms to PACE. Some media coverage of this case also suggested that flexibility in the legislation was needed (Johnston, 2012). This view, however, was not supported by those interviewed:

*"You can't go back. The law has been put into tablets of stone for a reason and you can't get a time machine and go back. So, I'm sorry, you can't support what he did. It's effectively quashed potentially the conviction of that man for murder, so that isn't justice for anyone" (FD 1)*

The circumstances in this case are rare, but it does indicate that there are consequences when detectives follow initiative as opposed to adhere to statutory requirements. FD 2 spoke of the difficulty in achieving a balance between following the rules and drawing on initiative and experience:

*"You can be an SIO and make a real cock up on the job and it'll haunt you for the rest of your life in terms of your reputation, civil proceedings, so you've got to get it right. Steve Fulcher is a good example. He tried to use flair, initiative and creativity and it bit him on the backside and he's suffering for it, his reputation has been damaged. However, if you don't have an element of creativity and flair, how are you going to solve some of those really difficult murders?" (FD 2)*

The emerging issue appears to be that the relationship between the regulation of homicide investigations and the role of a detective's individual 'flair' and experience is a delicate one. This is an issue that extends beyond PACE and applies to the application of any legislation or guidance during an investigation. This balance was also apparent as the detectives spoke of how they would sometimes push the boundaries during investigations and that this was sometimes necessary in order to make progress. This is illustrated in the remarks below from a former detective who now acts as an advisor to SIOs. It is important to note, however, that this interviewee was clear that pushing the boundaries did not mean breaking the rules:

*"I would never advocate breaking the rules ever. What I may advocate is pushing the boundaries a bit and my attitude is nothing ventured, nothing gained. So you can follow it exactly as you should and there's loads of cases like it and you make no progress, now some SIOs are paranoid about pushing the boundaries a bit because of the outcome but what I'll say is well what's the alternative if you're not going to detect it? So you could push the boundary, end up detecting it and then worry about pushing the boundary then, as long as you've not done anything dishonest" (FD 2)*

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<sup>19</sup> Christopher Halliwell was retried and subsequently convicted in 2016.

FD 2 went on to give an example of what pushing the boundaries entailed:

*“A good example is a case I’ve been involved in recently where you’ve got a murder and you’ve got some suspects, but you can’t connect them evidentially but you suspect they might be involved but you can’t prove it that’s all. So you may consider other techniques, some covert type of technique of trying to identify what they’re saying and what they’re doing. Now to go down that route you have to take account of RIPA...It’s a minefield. So if you deploy covert tactics it’s got to be authorised by an authorising officer in force, certain tactics have got to be authorised by chief officers and if you fall foul of it you fall foul of the surveillance commissioners. So you can push down that route, you could look at it and say “oh I don’t think we can justify employing a covert tactic on those suspects because I don’t think RIPA caters for it, it’s a bit grey, so we we’re not going to do it”, so “I’ll say well ok there you are you’ll never resolve it then, so why not push it, test it and you never know what result you may get?” (FD 2)*

This suggests a clear difference between the actions of Steve Fulcher, which were a breach of legislation, and pushing the boundaries. SD 16, for example, explained that guidance can be ‘breached’ but described the law as “*sacrosanct*” (SD 16). FD 12 also explains how investigators must learn to work within the legislation, with an emphasis upon not breaking the law:

*“When I say police officers will adapt, it’s not finding ways around things because that smacks of “well you’ll flout the law and try and find loopholes”, it means they’ll adapt by working within the restrictions of the legislation, within the limits of the legislation” (FD 12)*

Although the interviewees were clear that pushing the boundaries might be necessary, but that disregarding legislation was unacceptable, it might be argued that it could become difficult to identify where the line is drawn between pushing the boundaries and breaking the law. The tension between the use of a detectives’ initiative and experience and adhering to the rules is further heightened when we consider the view of several serving detectives that they are increasingly risk averse. Many interviewees felt this was a result of high-profile cases in which mistakes had been made and which have led to the increased legislation and regulation of homicide investigations, alongside ever increasing scrutiny. This will be returned to later in this chapter.

### Regulating Disclosure: The Criminal Procedures and Investigations Act 1996 (CPIA)

The Criminal Procedures and Investigations Act (CPIA), was introduced as a result of miscarriages of justice that were caused by police and prosecutors failing to disclose material that could have aided the defence (Stelfox, 2009). One case that illustrates the devastating

repercussions of failings in the disclosure of evidence was that of Stefan Kiszko. Kiszko served 16 years in prison for a crime that he did not commit as crucial medical evidence was not disclosed during his trial (Redmayne, 1997). The CPIA also stipulated that a thorough investigation must be conducted during which all lines of inquiry must be explored. However, the focus here will be on disclosure for that is where the majority of discussions around the impact of the CPIA focused.

### Disclosure: A New Battleground

Those interviewed could appreciate why the introduction of this legislation was required. This interviewee explained how beforehand they did not have the understanding of the importance of disclosing evidence:

*“We had this situation pre-1996 where the CPIA was required because we weren’t disclosing and we didn’t understand it, I dare say there were a few instances where things may have been a bit fast and loose, in the majority of cases we didn’t get it and we weren’t legally and suitably trained to understand it, so the CPIA became necessary that’s a given” (SD 25)*

It is not just the police that appreciated the value of this legislation. One QC explained that before the CPIA was introduced the defence were very much dependent upon the police when seeking information from them:

*“Before the CPIA, certainly as a defence lawyer, I was completely ignorant of how the police dealt with documentation. You didn’t get schedules of anything, they gave you what they felt like giving you, they gave it to you late. You were made to feel like they were doing you a favour” (QC)*

However, the data also reveal that the CPIA has presented investigators with significant challenges when ensuring such legislation is adhered to. In particular, one detective felt that the original intentions of the legislation were not being met and that it has placed investigators and the prosecution under considerable pressure:

*“Legislators have got to get a hold of this issue and say “do you know what? When our forefathers in parliament wrote this legislation for CPIA, they didn’t envisage what it turned into as being what they intended”. That sounds really bad, they didn’t intend for it to become what it has become, they intended for it to become an equal and fair and open transmission of information, and it’s not two-way, all the expectation is on the prosecution and the defence can run rings around us, and they do, they cause a lot of problems at trials” (SD 25)*



The issues with the CPIA that were discussed by the interviewees related primarily to the rules around disclosure and it was clear that this was an area of concern for them, one serving detective going so far as to say:

*“Disclosure is killing us” (SD 25)*

SD 26 explained that there is an expectation upon the police to provide all the information and stated that in the coming years the public will wonder why the police were doing what the defence should have done. FD 27 believed that errors will be likely to occur because of these pressures but did acknowledge that the implementation of this legislation had also been of benefit:

*“In one respect it was a good thing in terms of allowing the defence to have access to relevant pieces of information, which might assist the defence or undermine the prosecution, but in other respects has been the bane of investigators in as much as it puts so much pressure on the investigation team to get everything absolutely ship-shape, I’s dotted and t’s crossed within too short time constraints imposed by the Judicial system. And consequently you’re under pressure to do so much work in so little time, mistakes inevitably happen because we’re all human, which can sometimes be interpreted as failure to disclose information or almost corrupt practices” (FD 27)*

One serving detective described disclosure as a “*new battleground*” and explained how it is an area that the defence will look to in order to challenge the prosecution’s case:

*“I think disclosure’s a new battleground...I would say that unless you’ve got a 70+% chance of conviction in most cases the CPS won’t look to charge, so if the evidence has got to be very good then the defence will start rooting around in disclosure” (SD 20)*

This was reiterated by SD 21 who explained that with the introduction of PACE ensuring that interviews are recorded, the defence would now focus upon other aspects of the investigative process. SD 21 explained that the defence would focus upon disclosure of material such as minutes of meetings and email records, an option that would not have been available before the 1980s:

*“All that is covered now whereas now it tends to be disclosure and are you minuting meetings, we carry these books which record, if there’s an incident you have one of these whereas years ago you’d have your own, the Detective’s Bluebook, a hardback book that’s all that you’d take everywhere with you just to scribble and it’ll be “what’s in that book, have you disclosed it” and emails, they’re recovering email chains and you think “are they relevant?” but that’s where they’re targeting now. Of course going back they never had those” (SD 21)*

The concerns surrounding the amount of pressure placed on investigators in ensuring the requirements of the CPIA are met are outlined by SD 15:

*“On day one of the trial they [the defence] may have not given their defence case statement, so we don’t know for definite what their defence is going to be and then at the start of a trial they’ll give us a defence case statement, which then places an obligation on us to review everything again, so it places a massive burden back on us against very tight deadlines, then they will ask for blanket disclosure of material, they will just come up and ask for sometimes thousands of items and then claim they’ve only just had this material” (SD 15)*

So far we have seen that whilst the introduction of the CPIA was considered to be an important and necessary piece of legislation, it has added to the workload of investigators and as a consequence the detectives suggested that there is a risk that mistakes will be made. We have also seen that it is their belief that the police sometimes receive the defence case statement too late in the process. Given such concerns it is perhaps unsurprising that the police feel that they should hand over everything. This is an interesting point in light of accusations against the police of withholding information, which was a factor that led to the introduction of the CPIA, and when we consider that some saw the introduction of the CPIA as a response to “complaints by the police that prosecution disclosure had become too generous” (Owusu-Bempah 2013, p184). SD 25 explained this issue:

*“So this whole police thing, about going from one extreme to the other and lesser experienced officers will be inclined to turn over everything, in fact experienced officers will be inclined to turn over everything because if you think the risk is losing your case, why not turn it over?” (SD 25)*

This perspective was also held by SD 15:

*“Historically in [names force] we have given them that material and said “well it’s better for you to have too much than too little, we need to be giving you everything you ask for” and it allows them to create a bespoke defence; they will then look through the unused material and try and find something they can use as a defence rather than the other way around” (SD 15)*

This interviewee further explained that a homicide trial had collapsed because of issues around disclosure. SD 15 described how during this recent trial they had “adopted that give them everything they ask for as the root of least resistance” approach, but that this ultimately led to the collapse of the trial:

*“It was turned back on us and allowed them to (a) construct a defence and (b) claim that we haven’t been meeting our disclosure obligations, when in fact we had tried to help them” (SD 15)*

SD 15 explained that during the second trial they were “*more robust*” in the treatment of disclosure requirements as a result of what had happened previously. Notably, the QC remarked that the police were mistrusting of the defence and also explained that this is not helped by there being defence teams that will ask for information that they do not need. This might also explain occurrences in which the police disclose perhaps more information than they need to.

It is important to reiterate that all of those interviewed who made reference to this legislation believed its implementation to be valuable and some felt that because of its introduction the likelihood of miscarriages of justice occurring as a consequence of issues around disclosure is diminished:

*“I think it is a big improvement. We won’t have, well touch wood, the miscarriages of justice” (FD 27)*

Nevertheless, the issues raised here suggest that the CPIA has raised new challenges for those investigating, and those prosecuting, homicide cases.

#### A Question of Rights: The HRA 1998 and RIPA 2000

The European Convention of Human Rights grants certain rights to individuals, which include the rights to life, the rights to a fair trial and the rights to privacy, among others (*Great Britain. Human Rights Act 1998*). The Senior Investigating Officers’ Handbook states that the Articles most relevant to the investigation of crime are the right to life, the right to liberty and security, the right to a fair trial and the prohibition of discrimination (Cook and Tattersall, 2010). However, not all of the rights granted are absolute and are in fact subject to “considerable flexibility of interpretation” (Neyroud 2008, p674).

One interviewee commented that the introduction of the HRA was a positive development in ensuring that the rights of victims are also taken into account:

*“I am a fan of it; I tend to think of it positively. People think of it as a charter for the criminals, I look at it as a charter for the victims because their rights will always overcome” (FD 5)*

Although the HRA was considered by several interviewees to have been an important development in homicide investigations, it was not discussed at length during the interviews, observations or mentioned extensively within the homicide case files. Reference to the HRA was found within the homicide case file from the 2000s. The SIO referred to the Act when

outlining the arrest strategy for a suspect and when documenting their concerns around the media intrusion of a suspect. This suggests that whilst it was broadly considered to be an important introduction, it has not impacted upon investigations in the way that PACE and the CPIA have. However, the HRA was often discussed alongside the Regulation of Investigatory Powers Act 2000 (RIPA), which is understandable given that RIPA is responsible for regulating policing tactics such as covert surveillance of individuals.

The interviewees spoke of how the introduction of RIPA changed the way in which informants were used during investigations. FD 11 spoke of trust in detectives as opposed to regulation:

*“In the old days, 50 quid to a criminal is like £1,000 to anybody else and if they can get 50 quid for giving us a simple bit of information they would be very tempted with that, in fact, they were probably less likely to commit crime so that was the incentive there and as long as it’s done properly and ethically and you could cover yourself and do all those things correctly you were given that trust” (FD 11)*

The contrast with how surveillance was conducted in the past was also evident within the 1990s homicide case file. Within this file there was reference to the surveillance team who were to watch a suspect to see “*where he goes and who he speaks to*” (1990s Homicide Case File). This was at a time before both the HRA and RIPA had been introduced, so there was no reference to this legislation. This is suggestive of the fact that such processes were conducted in a far simpler, less bureaucratic manner.

Although FD 11 explained that the use of informants in the past needed to be ethical, the introduction of legislation to regulate such techniques suggests that these practices were seen to require further control. Whereas historically a detective would have their own informant who they would be in contact with on an informal basis, the Murder Investigation Manual (ACPO 2006, p280) outlines today’s regulated approach to the use of informants, now referred to as Covert Human Intelligence Sources, or CHIS: “The Regulation of Investigatory Powers Act 2000 and the underpinning Codes of Practice require agencies to protect the true identity of any CHIS, and to consider their security and welfare”.

This shows how the implementation of such legislation has added to the decisions that detectives must make during the course of a homicide investigation and to their workload. According to one detective, legislative changes can make capitalising on such resources increasingly complicated. This quote is also indicative of how increased legislation has

increased the bureaucracy in policing as SD 13 talks of the paperwork that must be completed in order to examine a mobile phone:

*“What it does do is it constantly adds extra pressures. RIPA came in because we had the Human Rights Act come in and we were doing stuff that impacted on people’s privacy and on their liberties, but it wasn’t catered for in law. But then of course the knock on effect of that is it just adds to the burden of things that we are trying to achieve, and sometimes they are quite simple things, but because it falls within the definition covered by the surveillance authority, I have to move people away from other investigative activity to just do paperwork. Now, over the years since RIPA has been in we’ve got used to doing that and we just accept that it has to be done, but just taking a mobile phone out of someone’s property in custody needs a massive level of authority just to have a quick look at it” (SD 13)*

This chapter has so far considered the detectives’ views of the legislation that those investigating homicide must adhere to and the perceived difficulties that are encountered as a result. However, it is not just legislation that has played a role in the increased professionalisation and standardisation of investigations. Guidance documents are another tool that have been used to achieve this. The document most mentioned during the interviews was the Murder Investigation Manual.

#### The Role of Guidance: The Murder Investigation Manual

Introduced in 1998 the Murder Investigation Manual (MIM) provided investigators with a framework within which to conduct their investigations and is described by Bryant (2009, p20) as “one of the first major attempts in the UK to produce a comprehensive theory of investigation”. Designed for use in conjunction with the Major Incident Room Standardised Administration Procedures (MIRSAP), the MIM provides “guidelines for the conduct of the investigation outside the Major Incident Room” (Neyroud and Disley 2007, p552). Most recently published in 2006, the MIM covers a variety of considerations for investigators including: the role of the Senior Investigating Officer; house-to-house enquiries; forensic strategy; multi-agency working, amongst many other considerations (Newburn *et al.*, 2007). Designed to be an “idealised ‘template’ for best action” (Bryant 2009, p15) many of the interviewees doubted how useful this document was, raising questions around the way in which guidance designed to aid investigators is compiled and used.

#### An Essential Toolkit?

FD 9 was one interviewee who considered the establishment of the MIM to be a key change in the investigation of homicide in England and Wales, describing it as an “*essential toolkit*”

that signalled the start of increased professionalisation of investigations. FD 9 also noted how the murder of Stephen Lawrence and the concerns that were raised as a result of the investigation occurred at the time that this document was being written and so these concerns were addressed in it:

*“I think that was the start of the real professionalisation of investigations albeit there were processes and procedures in place before, I think this was the start really of how we need to do our business for the future...and then a lot of the Stephen Lawrence case was dovetailed into it” (FD 9)*

Other interviewees commented on how this document had been useful to them during the early stages of their career when they first became an SIO, although less so later:

*“It is a really useful, well written document that I read before I became an SIO and it was interesting and I read it on holiday, but the first day back I went straight into a murder enquiry, my first one, so I got my knowledge and knew where to look. Now, having done all the work of the murder manual, I don’t think I’ve opened it now for six years if I’m honest” (SD 15)*

SD 8 spoke of how they read the manual in its entirety at the start of their career as an SIO and was considered odd for doing so, which is perhaps indicative of the perception of this document amongst many of the interviewees:

*“Well, I’m probably one of the very few people, if not the only person, that’s actually read the manual from cover to cover. That’s one of the things that I committed to when I took over the role [of SIO] because it was that important to me” (SD 8)*

Interestingly, the finding that the MIM was considered to have been a fairly informative tool for the new SIO contrasts somewhat with the literature on criminal investigations. Bryant (2009, p21) claims that “it is intended for practising, or even experienced, investigators, rather than trainees”, which raises the question of why those interviewed did not believe it to be a particularly valuable resource.

Whilst conceding that the MIM was useful as it demystified a lot of the process, SD 8 felt that it did not cover some important aspects of homicide investigation:

*“The two most important jobs for the SIO is writing the policy i.e. what have you done and why have you done it – vitally important, number one job. And, secondly, the writing of the strategies around your decision-making and there are no examples of either of those in the murder manual” (SD 8)*

Although, as noted above, SD 8 was considered unusual for having read it in full, others did not deny having read the MIM but did, as alluded to by SD 15, question its relevance:

*“It is probably more of a guide that I will look at from time to time, but I certainly wouldn’t follow it slavishly, definitely not and actually I don’t find it a particularly useful guide anyway. If I’m struggling with something the manual is not a place to go to give me any answers” (SD 13)*

On the other hand, one former detective was particularly critical of the document:

*“Some of the manuals are ‘Janet and John’ and most detectives will just put it in the cabinet” (FD 7)*

The serving detectives were not as critical of the MIM, indicating a difference in views of a former detective whose career began in the early 1970s when there were no such guidelines and those investigating homicide today.

SD 15 noted that other documents that were introduced in a bid to regulate the way in which homicide investigations are run are no longer relied upon when a murder comes in as investigators have a thorough understanding of what needs to be done. Here, SD 15 refers to the use of MIRSAP, the guidelines which set out the way in which the Major Incident Room (MIR) should be established and run:

*“Same with MIRSAP, we just get on with it and the structure is usually very similar from one job to another, there may be lines of enquiry that may be much bigger in one investigation than another, but the MIR will set up with all the key roles in it: the reader, receiver, allocator” (SD 15)*

Overall, the consensus was that the MIM was useful to new SIOs and provided a reference point to some, although it should be noted that Cook and Tattersall’s Senior Investigating Officers’ Handbook was said to be more helpful. One serving detective explained that during the investigation of a cold case homicide, they wanted to refresh their memory regarding key points ahead of a meeting. They turned to Cook and Tattersall’s (2010) handbook as opposed to the MIM describing it as *“really well explained and just a handy book to go to”*. Ultimately, the MIM was considered to merely provide guidelines for those investigating homicide:

*“Nothing is black and white, so although the murder manual is guidelines or considerations, it’s something to put in your toolkit with everything else” (SD 24)*

Despite the fact that the SIOs questioned how beneficial the document is, it is important to acknowledge that the defence will have access to it and, according to one detective, they will ask why certain procedures were not followed: *“If you go to Crown Court they might pick you up on it” (SD 8)*. The importance of showing reference and adherence to the MIM and explaining why certain decisions were made was reflected in the homicide case file from

the 2000s that was examined. In explaining the decisions that were taken around the Community Impact Assessment it states *“compliance with good practice/murder manual”* (2000s Homicide Case File). Additionally, the same case file notes that the set-up of the MIR *“reflects MIRSAP recommendations”* (2000s Homicide Case File). On the one hand, this suggests that a degree of importance is attached to such guidance despite the issues that have been discussed here; on the other, this is a further indication that the police are becoming increasingly risk averse as regulation increases and feel it is necessary to try and ‘cover’ themselves in this way, even though the MIM is a guidance document and not enshrined in law. This will be explored in more detail at the end of this chapter.

It should also be noted that the interviewees acknowledged that there were other advantages to the MIM. One interviewee explained that its introduction ensured that there is consistency in the way in which different police forces approach homicide investigations. Drawing on the case of the Yorkshire Ripper whereby several police forces were involved, FD 5 suggested that some of the issues faced during the investigation might have been overcome had the MIM been in existence at the time:

*“If you look at the Ripper enquiry, if they had been working to the manual there would have been some continuity between the different forces involved...the manual gives a good framework to work in. I think it was needed at the time” (FD 5)*

Also referring to the MIM, SD 23 suggested that it encourages a more strategic approach to investigations, which they considered to be an improvement upon the approach of investigators in the past:

*“Having the MIM as a national strategic document as opposed to a load of old Sherlock Holmes type of characters, I think that made a difference. There was very much that old “let’s just keep plodding on until we get there” whereas we started to take more of a strategic approach to investigation once the manual was put in place, it put some meat on the bones around where we were going” (SD 23)*

In a sign of continuing change in the way in which homicides are regulated, the detectives acknowledged that the MIM has not been updated in some time and is being replaced with guidance placed on the online resource Authorised Professional Practice (APP):

*“The last publication [of the murder manual] was in 2006 and my understanding is that they’re not going to publish a new version, but what they’re going to do is put all guidance on Authorised Professional Practice, which covers everything right across policing. It’s written by the College of Policing and it’s on their website and it’s open source...my understanding is that once everything goes in there about major investigation, the murder manual will be obsolete” (SD 13)*



Introduced in early 2014 the APP provides guidance on all areas from armed policing, civil emergencies, covert policing to investigations (College of Policing, 2016). The APP appears to take into account some of the concerns raised by the interviewees that have been discussed in this chapter. It aims to reduce the number of manuals and “ensure that content is searchable and all identified APP areas complement and are consistent with each other” (College of Policing, 2014). In its relative infancy at the time of the data collection, the introduction of this resource was not widely explored, so it remains to be seen whether this new way of regulating homicide investigations will be an improvement upon documents like the MIM and will likely require consideration in the future.

### Bureaucracy, Risk Aversion and Human Error

This chapter has presented the key findings in respect of how changes to the regulation of detective work have impacted upon the investigation of homicide and upon detectives themselves. An overarching theme became apparent in considering these data. The increased legislation, regulation and guidance for use in homicide investigation has led to investigations becoming increasingly bureaucratic and to investigators becoming increasingly risk averse.

The data suggest that increased legislation, regulation and guidance has led to a feeling that the police do too much when investigating homicide in order to ‘cover’ themselves, and due to the fear of the high-profile repercussions of making a mistake. FD 9 summarises this issue explaining that the scrutiny and judgement that the police are subject to means that decisions and actions that are taken must be documented, but that this bureaucracy has added to the volume of work that detectives must manage:

*“I think the bureaucracy can sometimes get in the way and the volume of stuff, but I suppose we’ve become so judgemental on the way policing is developed that you’ve got to have stuff documented” (FD 9)*

Today there are so many processes that they can seemingly be afraid to step outside of these processes and take a risk in case they are later criticised for doing so:

*“Have we become risk averse? We probably have a society as police officers have been under investigation where criminal cases have been lost, there’s always something to mould and chip away at policing and society, which in the main is a good thing but sometimes can be bureaucratic, cumbersome and psychologically force officers to take the path of least resistance” (SD 16)*

The notion of risk aversion and increased bureaucracy can be linked to the comments of SD 21. He felt that one of the major changes to the investigation of homicide has been that so much work is done in investigating that can be disproportionate to the case. This quote also suggests that too much is done because police services remain mindful of past failures:

*“From first working on murders 17/18 years ago, I think we do too much, when you look at the amount of time and resources we put in and whether that’s the legacy and things, which are still on-going, but I do think we’ve become risk averse” (SD 21)*

SD 21 went on to describe a case that he considered to be an example of how those investigating homicide can do too much that is not necessarily warranted when considering the circumstances of the case. SD 21 explained how SIOs could be afraid of not taking certain steps in case it is flagged up should a review take place:

*“We had a murder where a guy killed his girlfriend, drove her into the police station, comes in the police station and says “I killed my girlfriend”, even that inquiry was 7/8 months, hundreds of statements and actions and you think “well is that efficient?” and I mean you say there’s no price on justice, but I do think well when you look at the public purse and staff resources and shortages, something like that surely should be a case of “right we’re going to focus on this, he’s saying he’s killed her, we know he’s killed her, there’s no one else involved, he’s saying he’s had a moment of madness, well the experts can work around that” but no, we still, and a lot of that is SIO driven because they are afraid of that review because there’s always someone that knows better, there’s always “why didn’t you do this, why didn’t you do that, why didn’t you get this expert”” (SD 21)*

The QC offered a similar perspective. He also explained that the police almost do ‘too much’ during an investigation and suggested that they waste a lot of resources pursuing red herrings because they feel that they have to do everything. The QC described investigative procedures today as “cumbersome, a bit bureaucratic” and that there are now “huge teams of people having to cover every eventuality with a paper trail that’s bogging them down”.

SD 21 accepted that it would require a brave SIO to not take certain steps and acknowledged that care must be taken in case a suspect were to later change their story. However, they felt that each case should be looked at individually and managed accordingly rather than practice ‘policing by numbers’:

*“I think you’ve got to look at each one individually where we are guilty sometimes of having this checklist and you do have some SIOs who haven’t got that detective background because that’s the reality, you don’t become an SIO through experience you attend a course, which is a bit odd really, so some will police by numbers as I say, it’s like having a picture and they’ll say right they’ll have a chart of top 200 actions are this and they’ll do, where I tend to think well each case I don’t need to do,*

*to get from a to z you don't always have to tick b,c,d,e,f,g, whereas some SIOs will be rigid, they're afraid of the review, afraid of the risk, not quite strong enough to policy things out and then you'll have a 10 month inquiry where perhaps you could have had a four month one" (SD 21)*

One interviewee held the view that change needs to be proportionate and that the key thing for investigators is to know the fundamentals of what went wrong and what needs to be changed, as opposed to being overly 'picky' and critical. The following comment from FD 9, who at the time of the interview had recently retired from a senior post, illustrates how routine reviews of investigations need to be proportionate in the same way as inquiries into high profile and problematic cases. The comments of FD 9 suggest that increased bureaucracy in policing might prove detrimental to future investigations:

*"What worries me sometimes is that we can sometimes lose sight of how many times something has gone right for one case that has gone wrong and we change the world for one case that has gone wrong and there may be a number of factors why that went wrong, so I think it's important to have some perspective on: does this really need to change? Was this just human error and mistakes? Because otherwise what we end up doing is creating a bureaucracy, which actually affects future investigations and can be detrimental" (FD 9)*

The detectives felt that change often comes as a result of high-profile investigations that have been subject to criticism. In considering why this occurs, some of the interviewees' comments reflected the findings of Flanagan's (2008) *Review of Policing* that the Government must be seen to be doing something in response to investigations that have been subject to criticism:

*"A lot of this is driven from the top at Government level and, whichever Government, as soon as they get a sense of what the public attitude is towards something they will always want to be seen to be doing something. That's where it comes from and then be seen to say "right, this is what we've now put in place" (SD 13)*

The result of this approach was that many significant changes are made in response to what is often an exceptional incident:

*"We do an awful lot of those big changes in reaction to one isolated incident, which has gone horribly wrong, but that doesn't mean that everything has to be changed as a result" (SD 13)*

However, there was certainly a sense amongst some interviewees that there are also benefits to an aversion to risk. SD 8 felt that the increased accountability that comes with increased risk aversion has made the police more intelligent in how they approach homicide

investigations, and it is right that the police are held to account. This did not happen in the past:

*“We are far more risk averse than we used to be, but I think that’s a positive thing because I think we are far more responsible now, far more intelligent in our approach, far more accountable, rightly so, no-one used to challenge the police years ago” (SD 8)*

Similarly, some interviewees were of the opinion that the changes mean that it is less likely that significant errors will occur. When asked whether we are likely to see future cases where miscarriages of justice have occurred, the majority of interviewees agreed that this would be very unlikely:

*“I think we are in a far, far better position now to cover all the basis than what we ever were before” (FD 9)*

Despite such changes being made in respect of legislation and guidance, the question remains whether it is possible to prevent human error? During the interviews many detectives commented that mistakes will happen and that human error will occur despite the increased legislation, regulation and overall increased professionalisation of investigations. The interviewees often portrayed a sense of acceptance that regardless of the changes that are made to investigations and scrutiny of the police, mistakes will be made and that they will often be the result of human error:

*“That doesn’t mean to say that we don’t still make mistakes, when you’re dealing with humans and people trying to do their best there’s still always opportunity for error or to do something wrong or for something to be missed” (FD 9)*

SD 25 also felt that human error would always be a factor in homicide investigations simply because of the nature of this work:

*“I think there needs to be recognition that policing in general and detective work it’s not a widget factory, we don’t make 100 widgets a day Monday to Friday and if the machine goes wrong there’s a few less widgets, our business is human misery, we deal with people in crisis, unpredictable events, strangely enough mistakes will be made” (SD 25)”*

The role of human error in problems that occur during homicide investigations is discussed in the literature. In their research examining 28-day homicide reviews, Nicol *et al* (2004, p44) established that weaknesses or problems in investigations are often the result of:

Frailties in human processes, which make up so much of what constitutes an investigation: perceived poor judgement; inadequate knowledge; a failure to comply

to agreed processes; an abrasive management style; and a lack of suitably trained personnel.

It is clear that changes that have occurred in respect of legislation, regulation and guidance for those investigating homicide in England and Wales have led to concerns that investigations are becoming increasingly bureaucratic and detectives have become wary of stepping outside of the processes that have been implemented over the past few decades. At times when budgets are tight the question of whether too much is done as detectives try to 'cover' themselves becomes increasingly important.

### Legislation, Regulation and Guidance as Support

This chapter has focussed primarily upon the challenges that have developed as a result of increased legislation, regulation and guidance that detectives investigating homicides must negotiate. Similarly, the literature suggests that such developments signalled a move "towards a more 'modern', rationalised and bureaucratic system" (Innes 2003, p24) and increased standardisation and professionalisation of investigations. Those interviewed agreed and commented that investigations of homicide were now more professional than they had been prior to the 1980s. This was evident in the recognition by many detectives, both former and serving, that we are unlikely to see the problems in homicide investigations that we saw historically:

*"I think we have so many, the MIM, we've got our force policy, we've got so many laws that we didn't have back then: PACE, CPIA, all of the laws that regulate us, that you'd be hard pressed to say there'd be something that we'd be doing that was fundamentally wrong again" (SD 24)*

In considering these changes, the detectives also spoke of how they have led to increased accountability, which was seen to be a positive development. They spoke of how homicide investigation is the most serious type of investigation because someone has lost their life and another will face a very long period of imprisonment, they therefore felt that it was right that they were now so accountable. This serving detective explained that as a result of past miscarriages of justice there is distrust in the police and so accountability is necessary:

*"We don't do ourselves any favours. I mean the miscarriages of justice that have gone on in the past, people don't believe the cops unreservedly anymore, years ago they did and we could get away with planting evidence, burying evidence, the Kisko's of this world, the Guildford bombers, and we should be scrutinised. We are dealing with the most serious of offences and putting people in prison for the rest of their lives, that's a massive responsibility and therefore the decisions that led to that*

*should be scrutinised, we should be accountable to the public. It's probably our transgressions of the past that have led to distrust" (SD 15)*

The detectives held similar views on the increased levels of scrutiny, believing it to be necessary due to the seriousness of homicide investigations. This is reflected in this quote from SD 20 who also explained that increased scrutiny, such as from the Independent Police Complaints Commission (IPCC), comes as a consequence of the government wanting to improve the standard of investigations:

*"You've got the IPCC taking a more fundamental role, there's a real concerted assertion from the Government to raise standards in policing, so that brings with it more scrutiny and, to be fair, there should be more scrutiny around these investigations, it's right that we are scrutinised" (SD 20)*

SD 20 also felt that because of the scrutiny to which homicide investigations are subject, the standards of investigations are very high, particularly when compared to other countries that do not experience such levels of scrutiny:

*"One of the things that you can rely on is that British justice will 9 out of 10 times, give you that certainty that when you've got your man, you've got your man because of the layers of assessment and scrutiny that they go through. If you think of a system that's far less stable than ours, look at American standards, and, their cops are allowed to lie, in certain states it's different of course, but in some states their cops can interview someone and tell them lies to illicit confessions and the difference is that the majority of their jobs come as a result of confessions whereas the majority of results of our jobs come as a result of evidence, so if that's not a better standard, I don't know what is" (SD 20)*

Arguably, it could be deduced from the data that the positive view of these changes explain why the detectives felt that they were now receptive to reform:

*"Legislation has come in place for good reason and people have got on with it and, by and large, people now are as flexible as they ever were" (FD 12)*

Thus, it is undeniable that the changes that have been made to the regulation of homicide investigations in England and Wales have been positive in many respects. Nevertheless, the data that have been presented throughout this chapter suggest that the detectives held a somewhat ambivalent view of the changes that have been made; they could see its necessity but expressed some concerns.

## **Conclusion**

This chapter has illustrated that the work of detectives investigating homicide is more heavily regulated than it was before the 1980s. There are many more pieces of legislation and

guidance documents that must be considered, from the introduction of PACE to the MIM. It is apparent from the data that such change has been the result of an increased drive towards the professionalisation of detectives and standardisation of detective work, and as a response to high-profile cases that have been subject to criticism over the way in which the investigations were conducted.

The impact of change has been varied, which is unsurprising given the extent of these reforms and the fact that they affect almost every facet of homicide investigation. Many of those interviewed talked about the burden that such changes have brought. The CPIA demands that they must constantly review evidence for possible disclosure and they can feel pressured into handing over all evidence. Most detectives were of the view that the MIM was not particularly useful, but that it remains to be seen whether its successor will be considered an improvement. Crucially, we have seen that changes to legislation and guidance has led to homicide investigation becoming increasingly bureaucratic and detectives increasingly risk averse as a result. It would seem that the increase in bureaucracy has led to a feeling that they do too much that is not necessarily proportionate to the nature of the case being investigated. This is a pertinent concern given the current climate of austerity and tight demands on police budgets.

Although the homicide detection rate is around 90% (Brookman *et al.*, forthcoming) and the detectives interviewed stressed that many of the challenges they face are not insurmountable, the data reveal that ever increasing bureaucracy in investigations is potentially detrimental to the way in which investigations are conducted and has resulted in considerable pressures upon those investigating homicide. The contrast between the past and present is illustrated in the following comment from the 1960s, that the police officer:

Has a natural instinct to act according to what he believes is right and not to be fettered with permitted or prohibited rules...the British public expect at all times that the police will act fairly, and the desire by the police is to live up to this expectation. (St. Johnston 1966, p86).

It would appear that times have changed.

Further evidence that times have changed lies in the scientific and technological advances that have occurred, it is these changes that will be the subject of the next chapter.

## **Chapter Seven**

### **‘The possibilities became endless overnight’: Advances in Science and Technology**

In Chapter Two the literature pertaining to developments in science and technology were presented. In the current chapter I present the detectives views on these changes and consider in what ways they believe extensive technological and scientific advances have benefited and challenged investigations and investigators. I will firstly provide an overview of how science and technology was used in the past as elucidated from the data. This chapter will then consider how advances in technology and science have presented many more lines of inquiry, but that this has created new challenges in managing this information. I then turn to consider the role that scientific and technological evidence plays at court and the move away from the eyewitness and confessional evidence that was so prevalent in the past. The relationship between the use of such tools and evidence and detective skills is then explored. I next discuss the difficulties with staying up-to-date with developments. Finally, this chapter will deliberate the impact of budget on the use of scientific and technological tools in investigations, before ending with a consideration of the role of science and technology in solving homicides.

#### Science and Technology in the Past: The Detectives’ Perspectives

The 27 detectives interviewed had witnessed many developments in science and technology. During the interviews they described the narrow techniques that they could draw on in the past and this was also evident when examining the homicide case files. Sending a simple message to another police service took far longer than it would today, as this comment from a detective who joined the police service in the mid-1970s shows:

*“It’s like a typewriter. If you look at the old movies with strips of paper that’s called teleprinter tickertape and you feed that through a reader and it will type it for you it’s like coded, some people can actually read the tickertape. And when you used to type the teleprinter message you would select, so you were in [names police station] and you want to send a message to [names police station] you would select them on the teleprinter, you then type what you wanted on the teleprinter, tickertape would be produced, you would check to make sure it was what you wanted to send, then you would put it through the sender and it would send that message to the police station”*  
(FD 4)



As a result of the limitations of technology there appeared to be more reliance upon people. It is perhaps because of this lack of technological capability and reliance upon individuals remembering information that detective work of the past was seen to be akin to a ‘craft’ as opposed to a ‘science’ (Tong and Bowling, 2006):

*“We used to have people known as the ‘memory man’ and people could remember things, “go and speak to him, that guy can...”” (FD 1)*

As with technological capabilities, the forensic opportunities of the past were also restricted. One interviewee explained that an often-used scientific technique was blood grouping. This allowed the police to identify an individual’s blood group and could also inform them if someone was a secretor or non-secretor, in other words whether an individual produces their blood type through bodily fluids such as saliva. The blood group of a rapist, for example, could be determined from a semen sample left at the scene. This enabled the police to eliminate individuals from an inquiry. However, in order to utilise such techniques, the detectives explained that they needed a considerable amount of blood and it could only be used largely for elimination purposes. Alongside blood grouping the interviewees described the use of fingerprinting, the examination of fibres and striation marks left by weapons as being the foremost procedures that were used. The scientific and technological tools available to investigators in the 1980s and 1990s were gleaned also through examination of the homicide case files. The files refer to blood trails, blood types, various swabs and samples taken from the victim in the 1980s case and a focus on CCTV in the 1990s homicide.

Whilst it was clear that the capabilities of science and technology in the past were basic, the findings suggest that this did not necessarily mean that investigations of the time were flawed. When speaking to a detective involved with an unsolved murder from the 1980s<sup>20</sup> they commented that what stood out to them was the amount of work that would have been put into this investigation, particularly given the lack of technology and the fact that much of the paperwork was completed by hand. This case was originally investigated before the introduction of HOLMES. Moreover, a review of the investigation conducted in the early 2000s found that:

*“The initial investigation itself was thorough and left no obvious lines of enquiry outstanding” (1980s Homicide Case File)*

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<sup>20</sup> An individual has since been convicted of this homicide.

This demonstrates that although this investigation relied on the card index system at the time of the original investigation, it was thorough and there were no issues identified with it 20 years later. This suggests that the ‘craft’ of detective work of this time was effective. Although, of course, such limitations proved highly detrimental to the Yorkshire Ripper investigation:

*“Whoever investigated this would have had the same problem of information overload, piles and piles of paper, filing cards, no computer linkage. The things we take for granted now in an inquiry were not available to us then. We were really using the same tools that poor Inspector Lestrade was having to put up with in the days of Sherlock Holmes and I think this is possibly why somebody with a sense of humour in the corridors of power christened the first national computer, HOLMES!”*  
(Yorkshire Ripper Archive)

Today the scientific and technological advances that modern day investigators can draw on have continued to develop and do so rapidly. In short, as Cooper and Mason (2009, p285) point out “over the past half century the use of forensic science in policing investigations, like policing itself, has changed out of all recognition”.

A former detective who joined the police service in 1972, explained that investigations today are much more complex than they were, which is largely due to these changes:

*“Investigation has become more complex. Who’d ever think these days that you can access the things that you can with a mobile phone? That you can trace people’s movements with phone calls, text messages, put people at scenes of crime? Forensic evidence now with DNA and fingerprinting and fibres, it’s a massive world out there”*  
(FD 1)

How has this impacted upon homicide investigation and detective work? This chapter will now move on to explore these issues. I begin by considering the masses of information that scientific and technological evidence generate.

### The Increased Volume of Information

*“There’s an awful lot of data management, which is now becoming a fundamental part of a murder inquiry”* (SD 16)

From the development of the HOLMES system, continued progress in DNA testing, the prevalence of CCTV, to the use of mobile phone evidence, the growth in scientific and technological evidence over the last few decades has been vast. This can be seen when comparisons are drawn between the homicide case files that were examined. Whereas the cases from the 1980s and 1990s referred to fairly limited scientific and technological tools,

aside from the use of CCTV in the 1990s, the case from the late 2000s shows more advanced techniques. As well as CCTV, the policy file refers to DNA, mobile phones and computer work. One of the foremost benefits that the increased availability of such tools and evidence has brought is the many lines of inquiry to pursue. These are lines of enquiry that a detective of the 1970s, 1980s and even the 1990s would be largely unable to utilise.

*“The introduction of DNA evidence and the massive impact that’s had, the use of CCTV evidence and the availability of that from a huge range of sources now, not just the cameras on the street, fire engines have got cameras, buses have got cameras on, everyone’s got a camera on their phone. The use of telephony evidence is massive for us as well; from every inquiry from the simplest domestic murder telephony is a line of inquiry that an SIO would pursue. So there’s lots there!” (SD 15)*

With an estimated 5.9 million cameras in operation in the UK (Reeve, 2013) the advantages of the availability of CCTV evidence in the investigation of homicide are obvious. During the fieldwork I viewed CCTV footage that had captured a shooting, providing the police with crucial information, such as the vehicles used and what happened immediately before and after the offence. The growing emphasis on CCTV was also apparent when looking at the case files. The 1980s case details the use of a police patrol car using a tannoy to inform people in the area of the case and encourage witnesses to come forward. The emphasis was also on house-to-house. In comparison, after the appointment of the SIO, the first decision documented in the 2000s policy file was the recovery of CCTV footage.

The ability of science and technology to provide investigators with new information and additional lines of inquiry to pursue is also apparent in the growing use of mobile telephones within society. Statistics collated by Ofcom show that the proportion of adults in the United Kingdom who owned or used a mobile telephone was 93% in 2015 (Ofcom, 2015). This figure has grown significantly since 2000 where statistics show that 36% of individuals owned a mobile telephone (Ofcom, 2011). The extent of this growth is encapsulated in the following quote:

The use of mobile telecommunication systems in worldwide society has now reached almost epidemic proportions. There is scarcely any aspect of life in modern society that has now been impacted by the ability to send and receive voice and text messages almost at will. (Mellars 2004, p266).

One way in which investigators will make use of this during an investigation is through ‘cell site analysis’. One detective described how this allows investigators to trace the movements of an individuals’ phone:

*“Wherever you are you’ve got your telephone and it’s registering on a mast somewhere. If I committed a murder now and I drove to London, every single mast in London would record my movements. So that’s a massive advancement in opportunities for us” (SD 8)*

Another detective outlined the first homicide case that their police service prosecuted which relied heavily upon ‘cell site analysis’. SD 8 explained how the offender had disposed of the body at an isolated spot 40 miles away from the murder scene. The investigators already suspected the offender, who was being held in police custody and refusing to answer any questions during interview. He explained that it was crucial to try and link the suspect to the remote deposition site. Using this technique the police were able to prove that 24 hours before the body was discovered, the suspect had driven to that location.

As the use of mobile telephones has grown, so too has the use of social media, a phenomenon that emerged in the mid-2000s with the introduction of Facebook. There is undoubtedly a relationship here since smartphones have become increasingly popular and the ability of individuals to access their various social media accounts, such as Facebook, Twitter and Instagram, through their smartphones available. This can also provide opportunities to investigators as, according to Al Mutawa *et al* (2012, p524) “the increased use of social networking applications on smartphones makes these devices a goldmine for forensic investigators”. The detectives reinforced this as they explained how the popularity of social networking provides them with a wealth of information as it captures the communications between various individuals and communities.

One interviewee explained that technological evidence, including covert tools, can provide another way of gathering evidence in cases where people are reluctant to speak to the police, something that is often the case in their metropolitan force, and in ‘Category A’<sup>21</sup> investigations where there are no known suspects:

*“We had a shooting a couple of weeks ago, know who’s done it but can’t get the evidence. So it’s forensics yes, covert techniques are massive in investigations, certainly here where nobody will speak to you in [names force], they don’t speak to the police, so you have to find other ways, to the technology that offenders use that we can exploit like telephones, laptops in order to get information to piece together a thread of evidence that will prove the case” (SD 24)*

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<sup>21</sup> The categorisation of homicides helps “guide the initial allocation of resources” (ACPO 2006, p77). A ‘Category A’ homicide is one of “grave public concern or where vulnerable members of the public are at risk, where the identity of the offender(s) is not apparent, or the investigation and the securing of evidence requires significant resource allocation” (ACPO 2006, p77).

As well as helping investigators to prove an offender's involvement in a homicide and providing additional avenues to follow, advances in science and technology help investigators piece together what has taken place during an offence and the role played by an offender. SD 8 described a case in which the offender had claimed that the victim had died as a result of a traffic accident. The investigators used a technique called 'acid black', a chemical that is poured onto a surface to show where blood has been present by identifying the protein left behind, even once blood is washed away. This allowed investigators to prove that the victim had been bleeding in the kitchen.

The generation of information that comes as a result of developments in scientific and technological evidence has clearly been of great benefit to investigators; providing many lines of inquiry, being able to plot an individual's movements, identifying what took place during the commission of a homicide and so on. The data, however, show that these new opportunities, in particular the technological developments, have presented those investigators with challenges that must be negotiated in order that the evidence can be used effectively.

One of the difficulties that social media brings to investigations is how to manage the possibility of sensitive information pertaining to cases being released by the victim's family members, who will be privy to more information than is released into the public domain. SD 8 explained how in one case the parent of the murder victim would often release details of the investigation onto Facebook within hours of having spoken to the detectives, something that could clearly prove detrimental to the case. The following comment illustrates this point and is also indicative of how detectives themselves can find it difficult to keep up with and understand new forms of social media:

*"I had a real challenge on an investigation because the mum was an unstable character, she was a heavy drinker and when I'd go to give her an update on something in the investigation, I didn't understand what Facebook was at the time none of us did, she'd be on Facebook within an hour telling the whole world about it, releasing all the information and as many times as I asked her not to she'd apologise, she was quite a vulnerable woman, and she'd get drunk again and do it again" (SD 8)*

One detective explained that the prevalence of social media is such that the task of informing a victim's next of kin of their death also becomes challenging due to the speed with which information today can travel. Informing families promptly thus becomes an even bigger priority than it would have in the past. Therefore, it is not just the way in which information released to the family is managed that can prove to be problematic for investigators, but the

management of the masses of information that social media can generate, too presents a significant challenge. Investigators are therefore presented with a huge amount of work in understanding that information, making links between different relationships and so on. In 2011 the National Policing Improvement Agency (NPIA)<sup>22</sup> announced that training programmes were to be updated to include the use of social networking such is its widespread use.

Alongside the information generated through social networking, CCTV was often mentioned as providing a particular challenge because of the amount of data that it produces. The case file of a homicide from the 1990s describes that the CCTV footage obtained is “95 hours and it takes 2 days to view a 4-hour tape” (1990s Homicide Case File), giving a stark indication as to the volume of information generated by CCTV evidence alone and proving the major role that it plays. However, before this information can be examined, investigators must identify where the cameras are, a difficult task when we consider that CCTV cameras no longer just consist of those on the street and can be found on buses, privately owned premises and individuals’ homes.

The detectives explained that not only are there challenges associated with identifying where relevant cameras are, but highlighted the importance of setting appropriate parameters and timescales for what is recovered. These discussions also brought to the fore concerns around resources and the importance of having trained staff that are able to retrieve CCTV footage:

*“The difficulty we find is the practical knowledge of how to download the product before it’s recorded over again, because some systems record every 24 hours so say we have a murder, the victim has been dead for 2 or 3 days, you’re up against it straightaway with any CCTV enquiries or opportunities because whatever system’s in that vicinity they could already have recorded over the offender running off for instance, so for us the challenge is identifying what sort of system is it on: is it a hard drive? Is it a disc? Or is it a tape? All those type of things and getting the engineers out to download it in those timescales” (SD 8)*

SD 8 went on to explain how their police service does not have designated officers with responsibility for CCTV, but have “in-house informal experts” who have worked with CCTV evidence over their careers and know how to deal with the systems and who to contact if they are experiencing difficulties. However, when we consider that NPIA (2011a) guidance highlights the importance of securing CCTV imagery as soon as possible, the

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<sup>22</sup> The NPIA was wound down in 2012 and its functions subsumed by the College of Policing and the National Crime Agency.

concerns of the detectives become pertinent. Additionally, because of the challenges that are associated with the retrieval of CCTV evidence, Gerrard (2007, p13) stresses that such a task is “clearly a job for specialist staff that have the right equipment and appropriate level of training” and so the use of informal experts may not be appropriate given the task they are facing.

Conversely, one detective described the introduction of a dedicated CCTV recovery unit within their force and the benefits this had brought. This enables them to ensure that they can keep up with changes in technology, a matter that will be considered later in this chapter. This serving detective also explained how the introduction of a dedicated team helps overcome the challenges outlined above:

*“It cannot be underestimated how good having a set of trained, dedicated people to look into the evidence retrieval and find innovative ways of trawling, understanding the territory because CCTV is one of your staples when it comes to finding out what’s happened. And even if there is an incident and there isn’t CCTV sometimes inside, you’ve still got everything that takes place outside, which helps you build a picture” (SD 20)*

It is not just the volume of information that CCTV evidence produces that is vast, the widespread use of mobile phones and the sophistication of handsets today also generates a significant amount of data that must be managed:

*“The data storage is phenomenal, you have now on a phone what you’d have on a PC on your desk 30 years ago...If you download somebody’s phone it could be 50,000 pages of A4 paper, so how do you get through all of that to extract the bits that you actually need, so there’s challenges in dealing with the volume of data that is now available to us” (SD 15)*

One former detective now working on HOLMES as a civilian explained how this system, one of the first and arguably most prolific technological breakthroughs in criminal investigation, has developed in such a way that it continues to assist investigators in managing substantial amounts of data. The importance of HOLMES is evident in its continued development and HOLMES2 was introduced in the early 2000s (Brookman, 2005), which has recently upgraded to its 16<sup>th</sup> version and its capabilities continue to progress. The following quote alludes to the changes that version 16 brings, but also explains why change continues to be necessary:

*“So, you’re talking about storage in the cloud and things like that whereas now we store on servers within the force, so things will change and it will continue to change because it does need to adapt with modern day technology...I mean if the criminal out*

*there is using modern day technology, we have to be in a position to keep up with that” (FD 17)*

This section has shown that the development of scientific and technological evidence has brought investigators much more information than they would have had access to in previous decades, and that this has both brought new challenges that must be managed whilst benefiting them immeasurably. Another way in which the introduction of scientific and technological tools has assisted and impacted on investigations is at court. It is to this that I now turn.

### Science and Technology on Trial

*“A lot of convictions in the past were based on confessions or false confessions or oppression whereas very often now the evidence now is far safer in terms of the technology that proves it” (SD 23)*

The detectives explained that because of advances in science and technology, often noting DNA particularly, the evidence in cases today is stronger than it used to be, when convictions often depended upon confessions and eyewitnesses, which were not always reliable. The difficulties associated with this and the benefit therefore of today’s evidence is summarised below:

*“Our reliance on eyewitnesses may have diminished a little bit in cases where we have strong scientific evidence, the need to rely on eye witnesses will never go away, but witnesses can be wrong even truthful witnesses can be mistaken in what they are saying so identification is always an issue if you don’t have scientific evidence and, as I’ve said, well-intended, honest, truthful witnesses can be wrong so reliance on science does away with that to a large degree and there’s a massive improvement on as I say 20 witnesses all of whom, say slightly different things, if you’ve got a fingerprint and blood on the weapon it’s not as open to challenge as destroying a witness who may be reluctant, nervous, frightened about giving evidence and the implications of being involved in a serious case” (SD 15)*

This perspective is also apparent from the literature as Cooper and Mason (2009, p288) explain how “technological developments have meant that forensic findings have become increasingly reliable, proven in court and widely accepted evidence”.

One serving detective described an example of the strength of technological evidence. SD 13 outlined a case in which two individuals had come together to have a fight, but which resulted in one of them being fatally stabbed. The fight had been coordinated beforehand by two groups using Blackberry Messenger, the messages from which, unlike with texts cannot be traced. The only way the messages could be viewed was if you were a part of the group message or if you were able to retrieve one of the handsets. SD 13 explained, however, that



individuals who were part of the group message, but not connected in any way to the incident, started to come forward and provide investigators with their mobile phones. The content of the messages allowed investigators to prove that the offender intended to stab the victim, which enabled them to undermine his self-defence argument. Similarly, the QC also suggested that these changes have led to guilty pleas being made in many cases such is the strength of the evidence.

Another serving detective described a case that shows again how technological evidence can impact upon a case at court, in this case the ability of mobile phones to record video and capture images provided investigators with first-hand evidence of what took place:

*“I dealt with a murder in [names place] a couple of years ago, three men had beaten this guy to death in a flat and tortured him, it was a horrendous, horrendous murder and they’d taken photographs, the father and the son attacked this guy, and the father made the son take photos of him strangling the victim and punching the victim and it was horrendous, so we managed to download that from his phone and he pleaded guilty, he pleaded guilty to murder, not many people do, because he had to and you’d never have had that before” (SD 8)*

As a result of the stronger evidence that is presented today the interviewees explained that the defence now have to find other features of the prosecution’s case to challenge. One detective explained how in the past the defence could spend several days challenging a suspect’s interview before PACE required that they were recorded. This is no longer an avenue for them to pursue. This suggests that changes affecting investigations will later impact upon the arguments of the defence. Some interviewees suggested that the defence will often challenge the process of the investigation, the SIO’s decision-making, or crucially the continuity of forensic evidence, as SD 15 explains:

*“And it’s open to scrutiny in court I mean these are lines of defence that will be followed by the defence team, the issue of cross contamination, where items were stored, how items were handled, we have to prove continuity on that exhibit probably beyond anything that was done in the past even down to the names of receptionists at laboratories that took it off us in order to prove that there is not possibility of cross contamination, which bench they were dealt with in the laboratory, when was that last cleaned, all that record keeping needs to be done in order that we can prove from that it was recovered to the time it was analysed there was no potential for cross contamination to have occurred” (SD 15)*

This serving detective went on to explain how the issue of contamination can be used by the defence to place doubt in the minds of the jury, even if it is an issue not directly linked to the case in question:

*“The systems that are in place now are far better than they were, that’s not to say that it’s infallible, and LGC is a forensic provider that had some issues with contamination at a laboratory and, although it didn’t impact on a case of ours, it was raised in front of the jury because they were a forensic provider on a case we had going through court and, although it was absolutely not related to our case in anyway shape or form, the defence raised contamination at their laboratory as an issue. It is then in the jury’s mind of “can I rely on what this laboratory is telling me?” so it is an area that they will exploit” (SD 15)*

Interestingly, when examining the case files of a homicide that occurred in the mid-1980s, the preface to the Crime Report references the issue of continuity. The Crime Report states that the person responsible for sealing the exhibits should be the person that opens them in order to ensure continuity. This not only shows that there was an awareness of such issues in the past, but the fact that the data suggest that continuity remains a particular concern is therefore unsurprising given the importance of DNA and other forensic evidence upon which many homicide investigations and prosecutions today hinge. The importance of contamination from the very start of an investigation and the impact this has upon cases when they reach court can be found in the literature (Sawyer, 2011).

As well as issues around contamination some interviewees suggested that the defence might question the SIO’s decision-making. This leads to SIOs having to justify their decisions in terms of what and what is not sent off for forensic testing or included within CCTV parameters, for example. FD 12 explained the importance in setting the correct parameters and documenting this because it will likely be scrutinised by the defence:

*“It’s about looking at what your scenes are, what your parameters are, what your timescales are and I think that’s where pressure comes on SIOs about making these bold decisions about what they are going to look at and what not...it’s got to be done professionally and of course it will be questioned by the defence so we’ve got to make sure it’s documented and recorded appropriately” (FD 12)*

The QC agreed that this was something that SIOs could be nervous about and had witnessed this when he had been involved in detective training. However, he explained that in reality it was rare for their decision-making during the investigation to be scrutinised at trial. Although he explained that there had been some cases in his experience in which errors had been made during the investigation, which would come under the spotlight at trial, such as a case in which the police had failed to find the victim’s body.

Developments in science and technology also appear to have impacted upon the expectations of jury members. SD 14 explained that jurors prefer to hear DNA evidence over

technological evidence, which they find harder to visualise. This may be linked to the influence of media portrayals of DNA, which perhaps lead individuals to feel more comfortable with it, and find easier to understand, when it is presented to them in court as members of a jury. This is related to the ‘CSI effect’, something that would not have been a consideration of juries of the past who were predominantly hearing about eyewitnesses and confessions. The ‘CSI effect’ is defined as “the ascribed influence of fictionalised and/or ‘reality-based’ television crime programs upon audience knowledge and expectations of the criminal justice process” (Huey 2010, p49). Whilst some argue that there is a lack of academic study examining the extent of the ‘CSI effect’ (Dowler *et al.*, 2006), the comments of the QC suggest that it can influence juries:

*“One of the problems that creates is the jury who watch too much television think that unless there’s somebody in a white coat, there isn’t enough evidence” (QC)*

This is illustrative of the central role that science and technology now plays, not only during the investigative stage, but once the case is being heard at court<sup>23</sup>. This also demonstrates a shift from a past focus upon confessions and eyewitnesses to tangible evidence. However, whilst juries might feel a ‘familiarity’ with some evidence as a result of media coverage, there are questions around how juries understand the complex evidence that is often presented to them as they, alongside judges and magistrates, “rarely have scientific knowledge or skills, particularly across the range of disciplines that could be involved in a particular case” (Carson 2007, p414). Indeed, according to the QC the jury do not fully understand the detail of such evidence and that this is compounded in cases where there is a dispute amongst experts on an issue. He also explained that this necessitates careful consideration of how such evidence is presented to the jury.

That is not to say that the balance has shifted entirely away from those perhaps more traditional forms of evidence. SD 13 explained that even in those cases where they have compelling forensic evidence, Barristers like to present a case that also features eye witnesses as they feel that these are particularly jury friendly:

*“Even when we’ve got really good forensic evidence, we’ll always try and find good eye-witnesses as well” (SD 13)*

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<sup>23</sup> One detective also explained how jury members today are sometimes shown ‘body graphics’ to depict the victim’s injuries so that they do not have to view graphic crime scene photos, an example of the impact that technology is having upon the way in which evidence is presented to juries.

It is clear that the availability of technological and scientific evidence has an impact on cases beyond the investigative process itself. New tools and evidence allow the police and prosecutors to present cases that are arguably stronger than those of the past when they relied upon confessions and the accuracy of eyewitnesses. This has in turn presented difficulties around ensuring continuity of evidence, risks of contamination, detailed documenting and justification of why certain decisions were made. These are issues that are exacerbated by other changes. As DNA becomes increasingly sensitive, issues of contamination are amplified and, as budgets become tighter, decisions around what are sent for testing become increasingly difficult. These concerns will be returned to later in this chapter. Finally, developments in this area have led to changes in what areas are open to challenge by the defence, now that interviews are recorded the other side must pursue other avenues to attack.

#### A Question of Detective Skills?

*“The SIO from day one, clearly, you can look through his decision-making, and clearly always thought that the forensic evidence was going to come in because of the nature of the attack, and it never did, and suddenly finds himself 6 months down the line thinking “where do I go now?”” (SD 13)*

It was clear from the interviews that the importance placed upon science and technology, and DNA particularly, has led some detectives, both former and serving, to wonder whether the advent of science and frequent presence of forensic opportunities could lead to difficulties when those rare cases that do not feature any useful forensic evidence arise. The above remark is demonstrative of this concern. This former detective, who now works as an advisor to SIOs, was asked whether anything has been lost with developments in science and technology:

*“That’s a good question that actually. What I think we may have lost is that SIOs very often rely on it when it’s not there. So, I probably class myself as a little bit of an old fashioned SIO in many ways, in as much as, that some of the mistakes that I see are that they don’t investigate it properly because they’re always looking for the easy route” (FD 2)*

Many of the detectives explained that the retrieval of DNA evidence at a crime scene today would often ensure an early resolution of the case, whereas in the past detectives would not have such opportunities and so they would have to thoroughly investigate the case using house-to-house, local intelligence and other more traditional techniques. Despite noting that the role of DNA in investigations may be somewhat inflated, McCartney’s (2006) supports this. One respondent that she interviewed explained how the police perspective towards

forensics can lead to tunnel vision and a lack of focus upon other lines of inquiry, “there tends to be a reliance on forensic evidence in terms of once you have it, other avenues aren’t followed up” (McCartney 2006, p185). SD 8 explained that because of DNA evidence SIOs today are not used to running such protracted cases and so can struggle when cases, which do not feature forensic evidence, arise as these will likely be lengthy investigations.

This viewpoint was somewhat reiterated by FD 3 who felt that there has been a reliance on such techniques simply because they are typically present in a homicide investigation, more so than it being because people are looking for an easy route. FD 3 agreed that the reliance on science has come at a cost of “*old-fashioned detective work*” (FD 3) as they believed these skills had been lost “*to a certain degree*” (FD 3) as a result. Again, this is reinforced by McCartney (2006) as one interviewee stated that “the police can be blinded by their own science and believe it will save them from investigating a case properly”. It is interesting to note, however, that despite acknowledging that some sort of forensic evidence is usually present, FD 3 discussed a recent case in which there was not any, and another recent case in which there were limited forensics. Also referring to this case, SD 13 described this as a situation in which he would like to bring in a team from 20 years ago to see what progress they might make. Although cases such as these are seemingly rare, a second interviewee described an investigation into a homicide that occurred in the late 2000s and that remains unsolved at present, which too features limited forensic evidence, despite the brutal nature of the attack, as well as a lack of technological evidence such as CCTV.

This was not the view of all interviewees. SD 27 felt strongly that advances in technology and science have not led to the diminishing of detective skills. They argued that the training that is in place and the setup of the MIR would prevent this. SD 27 stated that if this did happen it would be the result of laziness as opposed to anything else. The detective described DNA evidence as “*a bonus*” and that a systematic investigation would still be required. Additionally, the concern that detectives rely on scientific and technological evidence is somewhat challenged when we consider other literature, for there is some suggestion that such evidence does not play the key role in investigations that the data implied it does. Brodeur (2009) through his examination of homicide case files in Quebec found that scientific expertise, although important, actually played a relatively minor role in the majority of cases that were studied. Williams and Johnson (2005) also stress that biological material that may be suitable for DNA testing and input onto the database is rarely recovered from crime scenes, going on to also note that its role in detections is also marginal. On the other

hand and in exploring the “reliance on science” and detective skills in relation to the investigation of cold cases, Allsop (2012) found that the two worked hand in hand and that detective skills are necessary in ensuring efficient use of science and technology. Further, the literature suggests that detective work has shifted from being an ‘art’ or ‘craft’ to a ‘science’ “as detectives have had to master increasingly complex technology and scientific methods of investigation” (Tong and Bowling 2006, p324), something that the authors recognise as being a change from detective work of the past. The view that detective work now is more of a science was reflected by SD 16:

*“I think we went through a phase with detectives where they would like to say it was an ‘art’ whereas the generation that’s coming through now would say it was a science and I think there is a bit of an ‘art’ to it so when I’m talking about instinct and listening to that so there will always be an ‘art’ and ‘science’, but I think the balance has shifted for it to be a more systematic, more scientific, more hard data” (SD 16)*

Some of the former detectives interviewed stated the importance of pursuing *all* possible lines of inquiry whilst capitalising on the forensic evidence that has been recovered from the scene. They explained that it was important to understand the importance of the forensic evidence, but not to be “*blinkered*” (FD 1) in only pursuing the individual who may have left that evidence behind, for there may be others who were involved in the commission of the offence. The detective explained that it was a combination of exploring all lines of inquiry, whilst making the most of the valuable evidence that you have. One detective described a case that they had worked on in the mid-2000s, the circumstances of which appear to indicate that as well as keeping an open mind whilst making the most of technological and forensic evidence, what can perhaps be deemed detective intuition or hunches can work effectively alongside it:

*“I remember when I was an SIO, and two of my detectives had been to the scene, I asked them where they had been, because I didn't know anything about it, and they said: “oh we've just been to see an old drunk that has been pulled out of the canal” and I thought “what's that all about?” So I said “was there anything unusual?” and they said that: “there was a bit of blood under the canal bridge and that there was an Inspector out there patrolling the scene but we left”. So I said to the Sergeant: “Well I'm going to have a look at it”. I went out there and the Inspector was about to close the scene and I said: “hang on a minute; I want to have a look at this”. So, you've got a canal very close to the City Centre, so you've got a bridge that goes over it and on the towpath was a half-eaten burger, you've got blood on the wall, so you've got blood there, you've got possessions that are scattered on the tow path, the body is out of the water. I'm looking at him and he's got a broken nose and I think there is something funny about this, so I treat it as a potential murder investigation then and do all the business that you've got to do. We started getting information very quickly and we got*

*CCTV, CCTV showed him with somebody around his neck being led towards that canal, and we convicted one person of murder. Forensically we had blood on his clothes, which was the deceased's blood. Another example of forensic evidence, but had I not gone to the scene it would have been swept under the carpet” (FD 3)*

Whilst advances in technology and science are undeniably significant, one detective emphasised that this information provides only direction and so all possible lines of enquiry must still be explored. This was their response when asked whether science and technology can ever be a hindrance in investigations:

*“I think people have got to realise, for example, with intelligence evidence gathered from the mobile phone, it's the phone not the person, that doesn't mean to say that the person's been there, that phone's been there, it's not the person. I think sometimes people can assume the wrong thing by that. ANPR<sup>24</sup>, for example, if that hits somewhere, it's the car, it doesn't tell you who's driving it, but it gives direction...were there any pictures taken? Where was it going? Did they call in at the petrol station? Is there footage at the petrol station of the individual? It can give you a new line of inquiry” (FD 1)*

Ultimately, as FD 17, who now works within the police service as a civilian, acknowledged whilst the lack of forensic or technological evidence would be a “knockback” (FD 17) to an investigation, there are so many other lines of inquiry to pursue in today's investigations that there will always be other avenues to explore, thanks also to these advances. As with FD 1, FD 17 stressed that investigations should not rely on just one particular line of enquiry. This is especially important when we consider that one of the primary concerns surrounding the use of science and technology in investigations was the difficulties that are faced in keeping up with developments in this field.

### Lagging behind? The Impact of Continually Evolving Science and Technology

This chapter has shown that developments in technology and science have provided investigators with valuable tools to assist them during investigations. The development of DNA testing is one example of this and which continues to evolve. According to the data, however, this continued evolution has proved to be challenging for investigators (similar findings were uncovered by Brookman *et al* (Forthcoming). During the fieldwork I was informed of two new techniques involving DNA testing, DNA SenCe and DNA 17. DNA SenCe allows tiny amounts of DNA to be analysed and which focuses on “maximising the sensitivity of the standard DNA profiling success” (Laboratorytalk, 2008). FD 3 explained that this approach allowed those investigating a murder to secure solid evidence against the

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<sup>24</sup> Automatic Number Plate Recognition.

person they suspected to be the perpetrator. Two detectives that were speaking to me informally between interviews mentioned DNA 17; they remarked that this new technique is almost too sensitive, which was confirmed by the literature. Describing DNA 17 as “the biggest change to profiling since 2000”, Forensic Access (2014) urges caution as DNA 17, which was introduced in July 2014, is considerably more sensitive than SGM Plus, which it replaces, and that as a consequence:

DNA is more likely to be detected in many more cases...in many of these cases it will be even more important to consider that this DNA could have been transferred completely innocently; from a passer-by, for example, or by secondary or tertiary transfer. “Contamination” of the crime sample may also come from many more routes and scenarios and prevention mechanisms will need greater consideration.

Continued and rapid changes will likely exacerbate the concerns that have been discussed here: if there are concerns that the increased use of DNA, and indeed other forensic evidence, has led to a diminishing of more traditional detective skills, the caution urged above becomes even more pertinent, since the increased sensitivity of DNA testing means that keeping an open mind and thoroughly exploring and investigating all possible lines of enquiry should remain a priority for those investigating homicide. The concerns around continuity and contamination are also heightened as DNA becomes increasingly sensitive:

*“Years ago when we needed buckets of blood to get a profile from it wasn’t an issue, now you can get DNA maybe from a fingerprint you have to be really careful, even breathing on an item could introduce foreign DNA, so it comes with issues” (SD 15)*

Although advances have been rapid in the last few decades, England and Wales were amongst the last countries in Europe to benefit from DNA 17. During a presentation observed during the fieldwork it became apparent that the closure of the Forensic Science Service in 2012, and a lack of government funding, has meant that England and Wales are no longer leading the way in developments in forensic science, as one scientist remarked, England and Wales have gone from “*pioneer to nowhere near*” (Fieldwork Notes). The QC described the closure of the Forensic Science Service as “*awful*” and the new system as “*disjointed*”. Therefore, whilst changes that do occur can be problematic for investigations in the manner as discussed above, this also highlights how changes that are driven at government level can affect the resources that are available to the police, resources which undoubtedly play a major role in the investigation of homicide.



It is not just advances in DNA that the police must keep up to date with. A recurring issue that surrounded the use of telephone data was that the police service struggle to keep up with those rapid advancements in technology. As FD 3 put it:

*“We need to be on top of our game and we are not because we are lagging behind and every force is the same, because it is changing all the time...and we are lagging behind” (FD 3)*

The phrase ‘lagging behind’ was used by more than one interviewee and it was apparent that they felt that their capabilities are not always on a par with what technology today can do because it develops so quickly. During the fieldwork it was evident during one briefing that the police were unable to examine the newly developed mobile phone of one of the suspects in a homicide. In this case the police were unable to access the Blackberry messages of the persons involved<sup>25</sup>.

Whilst there was no suggestion from the interviewees that the struggle to keep up with progressions in science and technology had hampered their investigations to a significant degree it was an issue that was regularly raised, indicating that it is a concern of today’s detective. According to SD 23 the reason for the difficulties in maintaining pace with such developments is a lack of funding:

*“I think the issue is money, it’s not our inability to keep up with technology, it’s working in increasingly reducing budgets, I mean even now you’d think that that the police would have at their disposal an endless pot of money around forensic examinations, we can’t just submit, we have to prioritise and assess what we submit, when we submit forensically. And a crime should never not be solved because you can’t afford it, but the sad reality probably is that, you know, um some stuff never gets submitted because of the cost implications, so I think going back to the technology question, um you know, the police will always struggle to keep up with criminality from a cost perspective really. That said though, don’t underestimate them, there’s more going on than you’d appreciate” (SD 23)*

It is to the issue of budget that I now turn.

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<sup>25</sup> The issues that certain handsets can present are reflected in the literature. Al Mutawa *et al* (2012) examined BlackBerrys, iPhones and Android handsets in order to identify whether an individual’s social networking activity conducted through their phones was stored and so could be subject to examination. Interestingly, they found that “no traces of social networking activities could be recovered from BlackBerry devices”, unlike with the Android and iPhone, both of which stored a significant amount of data “that could be recovered and used by the investigator” (Al Mutawa *et al* 2012, p533).

## Doing More with Less: The Impact on Budget

*“We are expected to do much more with less and inquiries now bring lines of inquiry, which even 10 years ago weren’t even thought of, so resources is probably the biggest issue” (SD 15)*

Carson (2007, p408) writes that “[the idea that] justice might have a price tag or budget offends popular sensibilities and is rarely highlighted in academic discourse about criminal justice”. Whilst the idea of discussing budget in relation to crime, and homicide in particular may seem uncomfortable, the cuts to police budgets mean that it is a necessary consideration, particularly when we consider that the scientific and technological tools that can dominate homicide investigations demand substantial expenditure. This was explored by Allsop (2013) in her work on cold case investigations. Allsop (2013, p364) considers the investigation of cold cases in two pilot studies, which required “upgrading DNA extracts and employing advanced profiling techniques on samples retained from historic crimes”. Allsop (2013, p364) explains that Operation Advance, which looked at historic stranger rape offences saw the conviction of 47 offenders for crimes that had been perpetrated between 1980 and 2005, and which cost £1.75 million, “a relatively small investment in policing terms given the results achieved”. Additionally, Allsop (2013) reported that Operation Stealth, an examination of unsolved homicides also saw encouraging results.

Although caution must be urged, as costs will depend upon the circumstances of the offence<sup>26</sup>, the advent of scientific and technological tools will impact upon the cost of police investigations of homicide. To give some idea as to the monetary demands of such tools, during a presentation given by an SIO during the fieldwork, it was noted that sending just one exhibit for forensic testing could cost around £2,500. Similarly, the homicide case file from the 1990s reveals the budgetary demands that forensics can create. In this case the victim was reported missing in the mid-1990s, but the remains not found until the late 2000s. The case file notes that the forensic spend after the discovery of the body was £26,000 and notes that there is an initial cap on ‘Category A’ investigations of £50,000.

However, budget is not something that would have been a key concern for the detective of the past as the data reveal a sense that money would be very much ‘thrown at’ a homicide investigation:

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<sup>26</sup> I asked the detectives that I interviewed if they could give me an estimate as to how much a homicide investigation will cost and whether this has changed, but they were all unable to answer. They explained that the differences between homicides made even giving estimates difficult.

*“With [names case] they threw money at it. I would come on duty at 6 o’clock in the morning to get to [names place] for 7 o’clock and then back on at 6 o’clock the next day, which went on day after day and you’re talking 18 hours overtime for all those people for all those days and we worked rest days because they cancelled rest days, but no one batted an eyelid because it was important and had to be done, nowadays you would be “who’s on rest days, who’s not on rest days” and all that would be taken into account” (FD 4)*

Although this observation does not refer to any forensic or technological costs, which would not have been prevalent in 1981, it does illustrate the general attitude towards homicide budgets of the past. Again, this was evident in the case files where there was little mention of budget in the 1980s investigation. This is a view that the data suggest has changed and has impacted upon the way in which scientific and technological techniques and evidence is used. This is also reflected in the following extract taken from the SIO policy file relating to the 1990s homicide. The victim’s body was eventually found in the late 2000s and the extract demonstrates the SIO’s thoughts on forensics at that stage. It should be noted that there was no mention of budget in the file that was produced in the 1990s, which may be due to there being less emphasis on budget at the time, but also likely because it was a missing persons case with no body, therefore there was no opportunity for forensic work to be carried out:

*“The forensic spend is clearly significant and will increase as these additional submissions are made. This is a very high profile and important investigation and I believe every forensic opportunity to identify an offender should be pursued” (1990s Homicide Case File)*

There was a sense during the interviews also that difficult decisions had to be made in respect of what forensic exhibits are or are not sent off for testing because of budget considerations. This too was evident in the 1990s case. The SIO who was appointed following the discovery of the victim’s remains in the late 2000s writes that what has been spent in relation to forensics has been *“necessary and proportionate”* (1990s Homicide Case File). This is indicative that SIOs are increasingly mindful of budget. The following comment, taken from an interview with SD 15, summarises how the police manage the obvious need for testing of exhibits with this mindfulness of budget:

*“We make a decision early on, say on forensics you may have 1,000 items that you can send off to analyse, but is that proportionate for what you are trying to achieve? So you sit down and have a forensic management meeting, you’ll sit down with your crime scene advisor, the SIO, the exhibits officer and you will come up with a plan, if you like, for phased, you may phase your submissions, so if you have the culprit’s fingerprints at the scene, do you need 30 of his fingerprints at the scene? So you will achieve the evidential standard in the least expenditure” (SD 15)*

Whilst this appears to be a logical approach to the way in which scientific and technological evidence and budgets are managed, SD 23, who works for a different police service, suggested that there can be conflict between the SIO and those responsible for the budget:

*“I’ve never scrimped on resourcing, but I have had to go into some real battles along the way with budget holders. Because I don’t hold the budget for forensics, I don’t hold a budget for telecoms, I don’t hold the budget for external technology providers, so I will ask for that stuff to be carried out or those things to be done, but I will have to lock horns along the way with budget holders” (SD 23)*

One former detective emphasised also that budget is something that SIOs have to be mindful of and stressed the importance of SIOs writing clear policies and strategies around this in order that they will withstand scrutiny. This is important when we consider that defence barristers will ask questions around why certain exhibits were or were not sent off for examination:

*“That’s not saying that money is the first thing we think about but we have got a limited budget, so we’ve got to be more realistic about what we can do and the more precise SIOs can get with these policies and strategies of what really needs to be done that means that everything comes together and we get the right outcome and that outcome will stand the test of time and the reviews and scrutiny and everything else” (FD 9)*

Fundamentally, the interviewees indicated that the issue of money is not something that would hinder an investigation and that investigators would never be told that they could not have additional money to progress, as the quote below from a former detective who continues to work within major crime investigation shows:

*“We’ve lost staff and people have lost their jobs as a result of the issues that are around at the moment, so we are always conscious of finance but on homicide nobody has ever said to me “you cannot have that analysed because of money”” (SD 15)*

Budget is clearly something that the current detectives are mindful of. This leads us to consider the view of some that the availability of science and technology in investigations could lead investigators to go too wide in their efforts to ensure that everything is covered and everything is collected, reinforcing the view that there needs to be an awareness of budgets and proportionality. The following quote illustrates the importance of this and shows that there are such cases in which investigators will indeed go too wide ‘just in case’:

*“I think there should always be those checks and balances and the person who holds the purse strings in this force will always say “in theory this is no limit to the amount of money you can spend on this investigation but you need to convince me there is a purpose or potential there” and in my experience some SIOs do go off at tangents and*

*think “well I’ll get this done because in my head this might possibly lead to a very peripheral, association to the crime” but going back to pragmatism and what is realistic, we can’t do everything all the time” (FD 27)*

In summary, it is clear that those interviewed did not feel budgetary restrictions proved to be a hindrance to investigations. At the same time, however, the data suggest that investigators are conscious of the cost that scientific and technological tools and evidence can bring, which can lead to difficult discussions to be held with those responsible for budget and careful decisions to be made in respect of what evidence is tested. Police budgets continue to face cuts and so such difficult decisions will surely endure.

### **Conclusion**

Scientific and technological tools and evidence appear to play an important role in major crime investigations today and have benefited investigators immeasurably, providing new avenues to pursue and a chance to put together a clear picture of what took place. It has also changed the nature of detective work as some consider it to have shifted from being an ‘art’ or ‘craft’ to a ‘science’

These changes have also provided many new challenges, including the struggle that the police can face in attempts to keep up with advances in science and technology. As technology continues to progress and become more sophisticated, there is the risk that the police will be unable to fully capitalise on this evidence and important lines of enquiry may be missed or lost. The budget pressures that police forces continue to face perhaps intensify this, budget pressures that could potentially affect the pace of developments in their technological capabilities. When we consider that the cost of sending exhibits for forensic testing is significant, it is clear that increased budget pressures may also mean that difficult decisions around what evidence is sent for such testing will continue, placing investigators under further pressure.

This chapter has also shown that although cases in which there is a lack of relevant forensic or technological evidence are rare, they do occur. Additionally, as DNA testing becomes increasingly sensitive there will be a growing need for investigators to be mindful of the fact that DNA evidence could have been left at the scene innocently and must therefore be sure to pursue all lines of enquiry thoroughly. If traditional detective skills have diminished with the availability of sophisticated scientific and technological evidence, those investigations that do not feature such evidence may struggle.

## Chapter Eight

### **‘The most accurate thing I have ever seen is ‘Life on Mars’<sup>27</sup>: Changing Detective Status and Culture**

The previous chapters have shown that the investigation of homicide in England and Wales has changed dramatically over the past four decades. It is perhaps unsurprising therefore that the very culture of detective work and its status also appears to have changed. It is these matters that will be the focus of this last findings chapter.

The findings in relation to the kudos that used to surround detective work will firstly be presented during which we consider the ‘job for life versus ‘just a job’ debate that emerged during the interviews, before I move on to discuss how such matters have seemingly led to a decline in detective recruitment. The findings that emerged in relation to the changing culture of detective work will then be presented, with particular focus upon the drinking culture, the feared Senior Investigating Officer and the female detective. Finally, I consider the way in which training has developed as a way of illustrating further the extent of change to the role.

#### **The Loss of Kudos**

According to the interviewees, to be a detective during the 1970s, 1980s and early 1990s carried with it a degree of kudos. Detectives at this time were seen as being different to other police officers, as ‘something special’. They described how detectives were considered to know a lot and were perceived as being more expert than others. Detectives were also said to be the most likely to take risks, which is evident in the literature (Hobbs, 1988; Maguire and Norris, 1992). SD 16 who joined the police service in 1994, described being a uniformed officer going into the CID office as “*daunting*” and explained that there was an “*air of superiority*” and an “*us and them*” relationship between the uniformed officers and those in CID. Such phrasing is demonstrative of both the kudos that detectives carried and of the impression that they were set apart from everyone else:

*“Because you were a detective you’d carry a bit of kudos with you” (FD 1)*

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<sup>27</sup> ‘Life on Mars’ was a 2006 BBC television series. In series one DCI Sam Tyler wakes up as a detective in the 1970s. The show depicted his challenges at adapting to a very different world of investigations.

However, the majority of detectives, both former and serving, agreed that this kudos no longer exists. According to one interviewee the detective is now viewed as being no more or less important than a uniformed police officer, suggesting also that the divide between uniformed officers and detectives is no longer apparent:

*“You are not seen as something different anymore, you are just a policeman in plain-clothes” (FD 4)*

On the other hand, some detectives felt that this kudos remained. When speaking to two serving detectives informally between interviews they suggested that it remained because of the work and effort that they had put into becoming detectives, and that this set them apart from those in uniform. This was later discussed during an interview with one of these individuals, who was a junior SIO. He explained that being a detective and wearing plain clothes showed that they were elite:

*“I worked for my D. [Not wearing a uniform] is our badge of eliteness” (SD 14)*

Nevertheless, the dominant view was that the kudos no longer existed. Some felt that other areas of policing now carried kudos and that there was an equal amount of status for those working in the firearms department, for example. Others suggested that there is more awareness of detective work now and so the mystery that used to surround it is no longer evident. Alternatively, one interviewee noted that the term ‘detective’ itself has been used too widely and suggested that this has played a part in the loss of kudos surrounding this position:

*“A fingerprint officer’s called a detective, a scenes of crime officer’s called a detective, a family support officer’s called a detective, but are they detectives? And I think we shouldn’t be too liberal with the way we use the term detective. Detective should apply to something, not just a person that works in plain clothes, it should be a quality to be a detective, and to carry that badge of honour with you “I am a detective”, which says you are something special and I believe that they are something special” (FD 1)*

As the interviews continued it became increasingly apparent that the status of the detective has changed greatly and the way that the detectives themselves view their position has shifted significantly, this became apparent as the phrase ‘just a job’ was repeated. It was suggested by many of the interviewees that for younger officers today to be a detective is merely seen as ‘just a job’ and not perhaps seen to be the calling that it was for those working during the 1970s, 1980s and early 1990s:

*“I think it’s the same type of breed of people. I think that perhaps what has gone now is the yearning of some people, they don’t have the calling anymore they see it as just a job, people join the police service as a job, I mean I never thought I’d ever say that but people do, they don’t see this as a service they’re doing to a society or something they feel that they want to do, it’s a job” (FD 1)*

One interviewee outlined the benefits of the ‘job for life’ ethos that used to exist. FD 6 suggested that the vocational nature of detective work engendered a commitment to the role and detectives would work very long hours without being concerned by overtime:

*“It was something about the vocational work that gave you commitment and drive, you worked long hours, you’d come in at 8 o’clock in the morning and if you were still there at 8 o’clock at night you wouldn’t question it, you wouldn’t say “I need the overtime”, it was just done as part of the job” (FD 6)*

These comments do provide us with an indication as to what might have been the impact of this shift in ethos. Specifically, it suggests that there has been a loss of commitment to the role with more emphasis upon working hours and pay. Indeed one serving detective suggested that those joining the police service today are mindful of the fact that they have to pay off university fees and so are looking for something that will provide them with a stable income:

*“I think it goes back to society and we, as the police, recruit from society and as detectives we recruit from the police and the pay that constables get now is pretty horrific, but a lot of people come out of university, they need a job that’s a steady income to pay off their fees and they don’t see it as “this is something that I’m going to be doing for 30 years” they see it as “I’ve got to earn this money”” (SD 24)*

In considering the reasons why there has been a shift from a ‘job for life’ to ‘just a job’ mindset, many of those interviewed suggested that there is an increasing desire amongst individuals to try and achieve a ‘work life’ balance.

*“People want to do their job and go home” (SD 21)*

However, it is clear that the work required of a detective still does not lend itself to achieving a ‘work life’ balance due to the unpredictable working hours, particularly during the initial stages of a murder investigation:

*“The first 3-4 days can be utter madness, then I say you’re working through, working through means from 7/8 in the morning to when it finished at night time, which can be 11/12, you’re working through most days and I’d say right through whatever rest days, you know, 7-10 days right on the trot on the first start of a murder” (SD 24)*



One SIO talked about how family life can be affected by the work and the commitment it requires:

*“Obviously your own home life gets put on the backburner. In one year my wife was 40 in March and I was 40 in December and I missed both 40<sup>th</sup> birthdays because I picked up murder investigations. And you can’t walk away from them because if that’s your role at the time...” (SD 8)*

The possible impact of this shift in mind-set was that the commitment, that one former detective suggested came as a result of the ‘job for life’ ethos, is no longer there.

*“Absolutely, we have a nightmare here sometimes, “no I’m not staying on” and tumbleweed when you ask them to, which we never had, never, never had back in the day” (SD 24)*

In summary, the findings suggest that whereas the former detectives talked of detective work as a vocation or even a ‘calling’ and the role carried much kudos, today’s detectives are more likely to take other ‘lifestyle’ factors into account, such as the working hours. However, it became clear that Police Services are experiencing difficulties in recruiting detectives, suggesting perhaps that the role has changed to such an extent that individuals no longer wish to pursue it.

### A Decline in Recruitment

The data reveal that difficulties in recruiting detectives were reportedly being experienced by five of the seven forces, in both England and Wales, which were represented in this study. SD 25 told of there being 15 vacancies for detectives in their police force, but a lack of applicants. According to one serving detective, who joined the police service in the 1980s, this issue would not have been a concern for police services 30 years ago:

*“Years ago you’d be filling dead men’s shoes” (SD 18)*

The issue of recruitment has been recognised elsewhere (HMIC, 2017). When asked why police services were struggling to recruit detectives many interviewees were at a loss to explain it. However, the following comment demonstrates how the role of the detective was viewed in the early 1990s. A serving detective with 24 years’ service, SD 8 talks about why he wanted to become a detective. The reasons given are linked to the kudos and culture that was associated with the position. This might explain why, with a loss of kudos and a change in detective culture, there are now issues with recruitment:

*“In my day it was more about being a detective, because when you had someone escape from prison the CID would come on at 4 o’clock in the morning smashing every door in the street causing absolute mayhem getting control of an estate and they’d catch the person and it was great and then by 11 or 12 o’clock they’d be playing snooker and they’d be drinking and it was that type of culture and the youngsters wanted to be a part of that gang because they wouldn’t, half of them wouldn’t carry a radio, they were rebels really, they were sent all over the force to do different jobs and for me I used to look and think I need to be a part of that and I did everything I could to be a part of it, they had the best jobs, that’s how I saw it, you know, they chased the best people, they arrested the best people, they were allocated the best work,...I found it really exciting the prospect of being part of that team you know” (SD 8)*

Another explanation was that there are other factors that inform an individual’s decisions in deciding whether or not to become a detective today, such as the working hours required and the pay, as was discussed previously. SD 24 explained that whilst a uniformed officer is required to work shifts, which they acknowledged brings its own challenges; they will receive a quite significant shift allowance, which a detective would not. Additionally, SD 24 suggested that whilst the uniformed officer has to work their 10 hour shift, once that is over they can go home, whereas she explained that when the detective goes home they are still thinking about what work needs to be done. SD 24 was of the view that nobody wants that responsibility for less money:

*“One of the things that’s very prominent is the fact that nowadays if you are a uniformed police officer you are on shifts, which is horrible but you get quite a significant shift allowance, which is thousands of pounds more than a detective with less, I would say, responsibility long term. Although they have responsibility for ten hours where they’ve got to keep everybody safe and do the job and answer everything, but at the end of the ten hours they say “thanks very much” and go home, whereas detectives wake up at 2 o’clock going “oh my god I haven’t done that”. Nobody wants that responsibility with less money” (SD 24)*

SD 25 suggested that the pressures that the organisation are facing more broadly, such as cuts, are damaging the “mojo” of the police, which will in turn lead individuals to be reluctant to join the police and reluctant to progress through the ranks:

*“We are a-political and we are not allowed to have a view on politics, but it does feel like under this current government that there has been outright hatred for the police, it is barely concealed from my point of view...they have knocked the stuffing out of us and I am not sure how we will get it back, us as an organisation have taken an absolute kicking over the last five years and I think that general the confidence and gusto of what we had before that made us successful is gone and I find that really frustrating” (SD 25)*

SD 24 suggested that the problems around recruitment might have a detrimental impact in years to come:

*“I think having a lack of people wanting to come into the detective world, a lack of experience in investigating major crimes and everything around that, I think that’s going to have a knock on effect in the future, I may not see it, but it’s going to have a huge knock on effect and if you did your... your PhD, a review of it in 8 years, 10 years’ time you might find a poor situation in relation to it” (SD 24)*

This chapter has so far considered the findings in relation to the changing status of the detective and the problems with recruitment. The data revealed that as well as changes in respect of the status of the detective, there have been significant changes in the culture surrounding detective work. It is these findings that will now be presented.

### **The Changing Detective Culture**

The majority of the interviewees agreed that detective culture has changed significantly over the years. This was a view held by both the former and serving detectives. The former detectives talked about the culture that used to exist particularly in terms of the working hours and drinking culture. Many remarked that detective work during the 1970s and 1980s was very much like the television series ‘Life on Mars’, a British show that depicted detective work at this time:

*“The most accurate thing I have ever seen is a television series and it’s that ‘Life on Mars’, I know its entertainment and all the rest of it, but it was! It was macho, it was very sexist, it was definitely testosterone, it was definitely work hard and play hard, it was all of those things” (FD 6)*

*“There’s the standing joke amongst detectives: the first time I watched it I thought I was watching a documentary” (SD 25)*

They spoke of a ‘longest hours’ culture and explained that they had to be seen to work the longest hours and be the last to leave whether or not they had work to do. One former detective linked this to the machismo culture that used to surround detectives:

*“You’ve got that whole culture thing then, the hard-nosed, long hours, hard drinking, hard smoking detectives...I don’t think there is as much machismo, being able to do it, “yeah I’ve got to work on yet I have done 16 hours, I can do 16 hours and I’m still going out and having 25 beers and then”...huge cultural change” (FD 5)*

The culture of the 1970s and 1980s is demonstrated in the remarks of a scientist who worked on the Yorkshire Ripper investigation:

*“One of the things that I did learn, although I rather had known it to some extent before, is that police officers, particularly the senior police officers, have an enormous capacity for work and play” (Yorkshire Ripper Archive)*

The detectives’ approach to drinking alcohol appeared to be particularly demonstrative of the extent to which the culture has changed.

#### From Police Bars to Coffee Bars

The drinking culture was described as having been an important part of detective work historically (Hobbs, 1988). The importance of the drinking culture was evident in the comments of the detectives who spoke of the social side of attending the ten-week training course. FD 11, for example, described it as *“a lot of fun out on the booze every night”*. FD 12 considered it an integral part of being a detective at this time:

*“Young detectives used to save up slush funds to go on those and come back three stone heavier and a few hundred pounds lighter because of the social side of it! All looked upon as an intrinsic part of being a detective” (FD 12)*

SD 8 explained that such importance was placed upon drinking that if you did not partake in it you were considered odd:

*“In years gone by that was the culture, you had to be in the pub afterward or you were seen as odd, you weren’t part of the team, it was an equal part of the investigation process really” (SD 8)*

Police services had their own bars that police officers and detectives could drink in. This clearly went some way to facilitating the drinking culture and many interviewees explained that the closure of these played a part in its decline. However, one serving detective explained how in the early years of her career, detectives would keep alcohol in their desk drawer so that they could have a drink. The following remark demonstrates how the importance of drink was apparent until just 10 years ago:

*“Years ago there used to be a much more social aspect to being a detective, I mean they had bars in police stations, I mean there were terrible, terrible things that happened like drink driving and bad things and there were detectives even when I started like 18/19 years ago, it would be after a late you’d go out for a drink, up until probably about 10 years ago that sort of started going. Nowadays it’s not a very social environment and I think it stopped when there were no bars in the police stations, which wasn’t a wholly bad thing but people then started realising the work life balance” (SD 24)*

When asked what was the most important part of being a detective working on homicide investigations, FD 7 responded that it was bringing some closure for the families, but also the sense of having worked well together as a team, which was ‘celebrated’ in the pub:

*“Seeing the bad people locked up and bringing some relief to their families, but there’s also a sense within the team as well of a job well done and then you go on the piss” (FD 7)*

It was apparent that the drinking culture historically was significant. However, several detectives commented on the benefits that came with a prevalent drinking culture as some commented that it provided a release after a long and difficult day at work. For some it seemed as though the drinking culture acted almost as a way of providing welfare to the detectives, they could unwind after work and talk about what had happened that day. One former detective described how during the 1980s the welfare was to go down the pub and have a drink and suggested that this was effective.

A serving detective who joined the police service in the late 1980s and the CID in 2000 supported this view. He also considered the closure of the police bars to be responsible for the loss of the drinking culture. This participant believed that this proved to be detrimental to the detectives as they lost the opportunity to fully unwind and discuss the case with the rest of the team:

*“There is no opportunity now for that generic debrief in an informal setting” (SD 22)*

The change in the drinking culture that surrounded detective work became particularly apparent in one passing comment made during an informal chat with a detective who remarked that today you would be more likely to find a detective in a coffee shop, or a gym as Maguire and Norris (1992) found, than a pub. The dates of Maguire and Norris’ (1992) findings are noteworthy as they indicate that changes in culture were evident in the early 1990s. This would suggest that cultural change began before the 1990s, which would correspond with the spotlight being shone on detective work in the 1980s.

The findings indicate that the drinking culture amongst detectives was prevalent, but that this did serve a purpose in terms of providing a form of welfare to detectives whose work involved long hours and difficult, sometimes distressing, work. It appears that the loss of that drinking culture has in some ways been detrimental in that they have lost this opportunity to unwind. On the other hand, it should be acknowledged that it is quite feasible that the interviewees downplayed the extent of today’s drinking culture for the purposes of the

interview. Although the former detectives who remain within the police service did describe its decline. It is not just the detectives drinking habits that have seemingly changed. When discussing culture, the interviewees also spoke about the way in which investigations were approached, which sometimes resulted in a tunnel vision mind-set. It is to this that I now turn.

### ‘We Need to Get our Man’: Feared SIOs and Tunnel Vision

The way in which the interviewees described senior detectives and SIOs of the past is indicative of a very different culture of investigative work to that which exists today:

*“It was usually, or historically, a white male old-school detective that’s epitomised by your kind of ‘Ashes to Ashes’<sup>28</sup>, you know, “get him, do this, do that”” (SD 20)*

A similar description was proffered by SD 25 who joined the police service in the mid-1990s:

*“They were predominantly men in their late 40s, seasoned detectives and you could see that just by looking at them and they walked around in great suits [laughs] and they weren’t quite God status, but they were highly respected individuals” (SD 25)*

SD 8 went further and described SIOs as being feared and that this was the case as late as the early 1990s:

*“I think certainly in my career in the early 90s it was all about the SIO, and I say were the men because there weren’t any women when I was sort of growing up in the police. SIOs were the Dons, the Gods, the feared ones, were the real tough hard men, egos, very powerful people” (SD 8)*

This status could be attributed to the years of work that individuals who held these positions had accomplished:

*“The Head of CID was probably the most feared man in the force. I remember when I joined as a young PC in uniform, the DI who ran the CID, who ran the detectives, was a feared character, he ran the show really and you wouldn’t become a DS or DI without having done years of detective work, which was then deemed to be the hardest work, dealing with the most violent and most dangerous and most risky situations” (SD 8)*

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<sup>28</sup> ‘Ashes to Ashes’ was a BBC series and the sequel to ‘Life on Mars’. Featuring many of the same characters this series was set in the 1980s.

The characteristics of SIOs were also linked to the tendency for investigations to be approached with tunnel vision<sup>29</sup>. FD 5 gave an example of an SIO who had decided that he was correct about the circumstances of a case. FD 5 described this SIO as a “brute”:

*“He was just not a nice bloke. He made a decision on a really strange, bizarre, brutal rape. She’d been picked up by a couple, taken to a mountain top, tied up in her car using seatbelts and raped and dumped her. She was interviewed and she described the car as being a Mitsubishi Colt, a Mitsubishi Stallion so they are quite rare anyway, so he decided she was wrong because she was a girly and that in fact it must have been a Datsun Cherry of which there were bloody thousands, so we started working through all the Datsun Cherry’s. He also decided that the person that had done it must have come from one of the cities because if he was up here they’d know; they’d have picked him up because the local community would have told us who he was” (FD 5)*

FD 5 went on to explain that the SIO in this case was proved wrong since the offender was found to drive a Colt Stallion and lived in the area. When we consider that SIOs were described as brutes and as being feared it is possible to understand why others working with them would not feel able to question their decision-making, potentially leading to tunnel vision in investigations. Crucially, this mind-set is something that has been considered a factor in cases of miscarriages of justice and other flawed investigations FD 6 described how this might transpire:

*“I think in a number of miscarriages of justice what can happen is you develop a mind-set where you think for a number of reasons that this person is a suspect so you stop actually investigating as an investigator and what you do is prove that this suspect committed the murder, which then leads to people trying to do things that actually fit the suspect as opposed to the investigation” (FD 6)*

FD 6 explained that such approaches had taken place within the police service that he had worked:

*“And I know that happened in [names place] this idea of “well you saw who it was they were wearing a hat weren’t they? And what colour was the hat?”, “I don’t know”, “It was quite bright wasn’t it?”, “yeah could’ve been”. And then in an easy... you start to develop evidence to fit your suspect” (FD 6)*

FD 6 went on to describe the way in which the SIO motivated the team and the drive towards getting a result:

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<sup>29</sup> Tunnel vision is the focus on one viable suspect or line of enquiry to the exclusion of all others. Rossmo (2016, p216) describes the approach, which sees investigators “arresting the first likely suspect, then closing the investigation off to alternative theories, [as] a recipe for disaster”.

*“What used to happen in the 80s, 90s is you’d come in the morning and the DS, the SIO, would motivate you all “you’ve got to nail this bastard, go and do this, house to house inquiry team I want you to get in the pubs, I want you to get here at 6 o’clock tonight and see what you’ve got”, so it was all very there’s the wall and we’ll blast everything at it and try and find something that leads us in a direction” (FD 6)*

FD 6 explained the repercussions of this mind-set to investigations, which illustrates why miscarriages of justice occurred during these times:

*“I think it was very flawed because what I think happened in [names homicide case] is then you start thinking “yes” and then particularly you’ve got defendants who have got criminal records, who are well known to the police, who are on the dark side of life and all of a sudden “yes it must be them and now what we’ll try and do is prove it’s them” and nobody had the reigns to draw people back and say “let’s start investigating it from another area, another direction, let’s forget about this group of people, what evidence is there?” It was cultural that kind of drive” (FD 6)*

FD 6 explained that to challenge the decisions of SIOs at this time would lead to you not being considered a team player, which would subsequently mean that you would not be selected to work on future inquiries:

*“I think the [names homicide case] is a good example that people are motivated, it’s almost a testosterone pumped male culture that sometimes you think “hang on a second this needs somebody” but of course in the days that I’m talking about the 80s, 90s that person that stood out and said “hang on” you weren’t seen as a team player, so very quickly wouldn’t have been called onto the inquiries because you weren’t a team player and you didn’t actually see the world the way everyone else saw it” (FD 6)*

This is an example of what Rossmo (2006, p17) calls ‘groupthink’, a situation in which individuals are reluctant to “think critically and challenge the dominant theory”. Rossmo (2006, p17) explains that ‘groupthink’ often occurs amongst groups who are under pressure to make decisions and can be therefore applied to investigative work.

The views of FD 6 were reiterated by FD 9:

*“I think the big issue was when years gone by when you had the suspect’s name and it all looked as if it fitted that people would pursue that at the cost of maybe being more open-minded” (FD 9)*

Although the literature surrounding the culture of detective work is scarce, what exists does reveal that detectives of the 1970s and 1980s would often ‘bend the rules’. Maguire and Norris (1992, p21), for example, found that because their work was ‘unseen’, detectives could “sail close the wind” without significant repercussions (Maguire and Norris 1992, p21). When we consider the way in which the SIO was perceived and the consequences to those



who challenged their decisions it is perhaps unsurprising that the participants in this study reiterated this. However, they stressed that in the main the rules were stretched as opposed to fully disregarded:

*“You can’t bend the rules at all now, those days are gone, you used to a long time ago not in a dishonest way, you’d stretch it (FD 2)*

It must be acknowledged that the time periods of investigations that are at the centre of this research include those that preceded the Police and Criminal Evidence Act 1984 (PACE) and other pieces of legislation governing investigations and detective work. Therefore, a lot of what took place was not necessarily illegal in some instances as the legislation was simply not in existence. However, FD 5 explained how in one case PACE was disregarded some five years after it was introduced suggesting that it did not immediately correct practices:

*“I was a custody officer in [names place] and we had a manslaughter, we had a lot of people who were involved in it, they had one person in custody that I was aware of, as the custody officer I was to be aware of everybody who was in the police station in custody or helping us with our inquiries, and I became aware that they had four other people in the CID office and I had no clue! This was 89 or something like that. Bloody stupid! “They’re only helping us with our inquiries”, “so why aren’t they in this book then?” I went to the DI with that one because it was my responsibility” (FD 5)*

Over 30 years later the feared SIO seems consigned to history and the tunnel vision described above less likely today because of the way in which criminal investigations have been reformed:

*“Much like the dinosaurs, Gene Hunt<sup>30</sup> went his way probably around the early to mid-1990s, he was gone” (SD 25)*

### Today’s SIO

If the feared SIO and the tunnel vision described here is no longer present, it is important to consider what was said about today’s SIO and their approach to investigations. SD 8 explained that SIOs today are now focused on doing things right as opposed to just getting a result, a contrast to the comments of FD 1 who explained that in the past the focus was not “how you got there, it’s if you got there”:

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<sup>30</sup> DCI Gene Hunt was the main character in the aforementioned television series ‘Life on Mars’ and ‘Ashes to Ashes’.

*“I think they’ve definitely changed. Now I like to think that they are smart people with compassion, emotional intelligence, soft skills, are really conscientious, want to do things right” (SD 8)*

SD 23 also stressed the importance today of getting the right outcome as opposed to any outcome:

*“It’s about finding out what’s happened and that might be proving what hasn’t happened or proving somebody didn’t do it as much as proving they did because I don’t want to see the wrong person in prison” (SD 23)*

SD 20 explained that the approach to investigations of the past would not be suitable today and believed that this was partly due to the fact that the world is a more diverse place:

*“The world’s more complex than it was when that was taking place, it wasn’t as transient as it is now, you know, you look at the stats, I forget what they are now, but it’s something like 70% of people will always live within 5 miles of where they are born, well that’s changed and we’ve got communities that come in, Eastern European Labour markets and people return home at different periods, you’ve got all these added complexities of society, you’ve got different communities rubbing up against each other, communication barriers, all these things that are now taking place and it’s no longer like policing a town where you could go into a pub and everyone knew who everyone was, all that’s gone” (SD 20)*

SD 20 worked for a large city police force, which might at least in part explain their views around the increasingly transient nature of communities today. However, the view that the approach to investigations that was evident during the 1970s and 1980s have no place in investigations today was echoed by other interviewees. SD 13 who worked for a smaller police force explained that the culture was also partly due to the hierarchical nature of the police as an organisation and that there is now a deliberate move away from this. Crucially, in light of the above comments, this involves encouraging individuals to contest decision-making:

*“People are actively encouraged to challenge decision-making by managers, we’re losing that kind of hierarchical, we are a very hierarchical organisation and we are being encouraged to step away from that, there’s definitely greater familiarity” (SD 13)*

One example in which the changes in respect of culture that have been discussed here are apparent is when we consider the way in which briefings used to be run when compared to how they are led today. In particular, the changes to briefings reflect the changes in the SIO and how investigations are led. FD 11 explained that at the briefing at the start of the day the SIO would outline the important actions to be carried out and that:

*“If you hadn’t done the job you were humiliated in front of everyone else, so you came back with results or look out, you’d be kicked off the inquiry” (FD 11)*

This illustrates the way in which SIOs at this time interacted with their teams. Although FD 11 denied that the fear of returning to the second briefing of the day without results led to poor practices believing that it was key to identifying lazy detectives, it is possible to see how that would have been a risk.

The data reveal that briefings held during modern-day inquiries are considerably different and illustrate how the mind-set towards investigations has shifted. SD 13 explained that in the early stages of an investigation they would be less of a two-way process and so would be more directed by the SIO, which is somewhat reminiscent of how the former detectives described briefings in the past:

*“At those early stages the briefing is less two way and more directed from the front because you’ve got very little information at that stage and it’s only beginning to unfold and the key thing is to make sure that all the team that you’ve got assembled are actually working on the things that are going to progress the investigation in the best way. Now every individual is going to have their own ideas about what they should be doing, but you really just need one person to say: “no this is what we are going to do”” (SD 13)*

However, he went on to explain that this would change as the investigation progressed:

*“Then individuals would be holders of detailed information but only in one specific area and so the whole team perhaps needs to know that, so even though in the briefing, their briefing me as the SIO at the same they’re briefing the rest of the team as well” (SD 13)*

Although the complexities of investigations today are such that a two-way process of communication is necessary to ensure that the SIO and others are apprised of any developments; it is clear from the data that they also indicate a wider change in how investigations are led and the culture of this work. This was also evident during the observations of briefings that I undertook. Indeed, one was filmed by a television crew for a documentary and an SIO working for a large city police force explained that they allow work experience students to visit the Major Incident Room. This reflects an openness to investigations that was not apparent historically:

*“Murder inquiries were closed events, they were closed events, you were in the murder inquiry room and you didn’t talk about it outside that it was only the murder inquiry team that knew about it, it was only you that talked about it and nothing would be released outside, whereas there is a far more transparent view now, I hear*

*that major incident rooms now are opening up to people to come in and out like yourself...and that's the way it should be" (FD 6)*

Additionally, during my time observing a major crime team one SIO explained to me that she would find innovative ways to format briefings to take into account the fact that individuals respond to information being delivered in different ways. She showed me a PowerPoint that she had devised, which contained the details of the case that they had at that point. It also included a recording of the '999' call reporting the murder and images of the victim and crime scene.

The vast changes to the culture of detective work are also clear when we consider that the once male-dominated world of detective work that according to one interviewee often saw females just making the tea now sees them as detectives and SIOs.

### The Female Detective

Of the 27 interviews conducted five were with female detectives, both former and serving, and so they were asked, amongst other things, specifically about their experiences of working on homicide investigation and how the position of female detectives has changed in the last 30 years. It was clear from speaking to these women that detective work historically was very much dominated by males. FD 9, a retired detective who joined the police service in 1983, described investigation at this time:

*"Investigation was more of a man's world when I joined" (FD 9)*

This was also evident during other interviews when the CID was described as just having a 'token woman' working within the department. They would usually be tasked with particular roles, such as dealing with rape cases or working with victims of crime. Interestingly, when asked why she decided to become a detective, SD 22 said that she had wanted to do so ever since the first murder investigation she worked in 1989 when she was there to make the tea, which is indicative of the way in which females at this time were perceived.

When females did choose to progress and move towards becoming a detective, it was clear that there were differences in the recruitment processes that prospective female detectives had to go through compared to their male counterparts. It was clear from speaking to the female detectives that having to prove themselves in policing was an important factor in determining whether or not they progressed through the ranks:

*“I had to fight hard for my position really” (FD 9)*

Furthermore, SD 18 noted that whilst she had received a mixed reception when she decided to become a detective, she had built up a sound reputation as both a good police officer and a good investigator, which helped her. However, it is clear from the comments of SD 25, a serving detective who joined the police serving in the early 1990s, that although she was able to prove herself and was able to progress to the position of DI that she holds today, she felt that she had to work much harder than her male counterparts, but did not receive the same recognition for that:

*“I had to work twice as hard to be half as well respected” (SD 25)*

SD 22 used similar phrasing:

*“You worked twice as hard to be accepted” (SD 22)*

The poor attitude towards females who progressed through the ranks to become detectives and the contrast with their position in modern-day inquiries is clearly evident in the experiences of SD 22:

*“When I completed my probation after the first two years I went to see the Superintendent, as everyone did because you’d get confirmed, and he said to me “well Miss I don’t suppose you’ll be here beyond five years because you’ll leave to have babies” and that was it, that was my welcome after two years hard work and I’d had commendations, arrested God knows how many people and that was it. And we were saying this morning how funny if that Superintendent could see you today as an SIO in charge of murder as a girl! I’m a DI as well because previously Superintendents would be in charge of murder” (SD 22)*

There have been steps forward for the female detective. For example, the interviewees explained that if inappropriate comments are made then they will be challenged. However, the comments of SD 24, suggest that problems remain. When asked whether she had faced any barriers in progressing through the ranks to become a Detective Inspector SD 24 noted that she has not always been able to do what she wanted. Furthermore, at one time she had been enjoying working within one CID office for two and a half years, when she was moved to the Family Crime Investigation team so that a male counterpart could try her role:

*“Because it’s set out that actually one of the ‘boys clubs’ that’s got in there, the ‘boys club’ is still around... the other fella just wanted a go at my job and it’s like “hang on a minute!” (SD 24)*

Interestingly, when speaking to the female interviewees about female detectives it was evident that it can be difficult today to accommodate their needs during investigations and

that this, in turn, can hinder their career development and progression. SD 18 explained that the flexible working arrangements that are now in place to support those with families could make life difficult when allocating roles. SD 24 in the following comment who also acknowledged how she admired those who did manage to juggle both their work and home commitments echoed this:

*“I think there’s a struggle across the board but I think with females particularly they obviously, generally most females have children, I don’t, but most females have children and they can’t stay on, they can’t do the long hours, they have 12 months off nowadays which is a huge amount of time, it’s great I presume with your baby, but for time away from work if you are going for promotion and want to do this, it’s a long time and like I say, when you have to work twice as hard to be half as well respected, it can take a toll having kids to people going through, but, you know, for the girls who do it I totally admire them because I don’t know how they fit it in” (SD 24)*

Therefore, the hours worked by those women with families could mean that they can only be assigned to those roles on an enquiry that can be performed in accordance with the flexible working arrangements. This suggests that whilst there has been something of a cultural shift in the attitudes towards females and the opportunities that they now have to progress through the ranks, there seems to remain differences between the position of males and females due to home commitments. That being said it was acknowledged that there are males now who have the same home commitments as females and so they too may be hindered in their career paths if they need to take advantage of flexible working arrangements. Given the changes that have been discussed here and in the preceding chapters, it is perhaps unsurprising that changes to detective training emerged.

### **The Professionalisation of Detective Training**

It became apparent during the interviews that many of the changes to which the investigation of homicide has been subject were implemented in a bid to professionalise investigation. Indeed, this drive towards professionalisation is reflected within the literature (Stelfox 2009) and we have seen examples of it over the last few chapters with the implementation of legislation and the proliferation of science and technology. The participants suggested that training is a particular example of professionalisation.

Historically, the training of detectives was delivered through a detective training course, a programme of continual training that was delivered over a 10-week period (Tong, 2009)<sup>31</sup>. The former detectives, and several long-term serving detectives, spoke of undertaking this training. Although other areas were covered such as, forensic issues and how to present at court during which a Barrister attended and spoke to them, some felt that the training did not cover other important elements of investigation and was focused on the law. Since the feeling amongst many was that the training focused upon the law and, according to some, did not prepare them for the reality of this work the question then arose: how do detectives learn to conduct investigations? The detectives felt strongly that it was learning from others. FD 2 explained that this was particularly essential, as he did not undertake the 10-week detective training until sometime after joining the CID:

*“People you work with, all of your peers, it’s on the job, simple as. I joined the CID in January 1982 and I did my course May of 83” (FD 2)*

The comment above is particularly telling since he did not consider the training to have been helpful, despite the fact that he would have had some experience of investigations before attending. Although no other detectives told of having to wait to attend the course, as was the case for FD 2, all reiterated the importance of learning from others. The following comment illustrates the importance that many placed upon this even though on occasion the advice being given was not necessarily useful. This also indicates that the effectiveness of learning from others depended on whom they were learning from:

*“Experience is key to it because you will come across things you’ve never dealt with before therefore if you’ve got experience of somebody else who’s been there, even if what they’re telling you is a load of old rubbish, you still know a little bit about it don’t you?” (FD 10)*

Whilst the detectives expressed that learning from colleagues was a fundamental part of training in the past, it was not simply the case that they would take on board everything that they witnessed or were told, which is perhaps unsurprising in light of the above remark. Several interviewees explained that they would take on board some things that they observed and disregard others:

*“You worked with lots of different people and you looked at how they operated and how they investigated; attending scenes, interviewing people, speaking to witnesses and ultimately you take on board the things that you like off people, then you jettison*

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<sup>31</sup> This training period was reduced to six weeks in the 1990s (Tong, 2009). The interviewees’ that discussed training spoke only of the 10-week course.

*things that you don't like. And you also look at what works and what doesn't work"*  
(FD 1)

This comment is interesting in several respects. As well as again revealing the importance that was placed on learning from others, it is also reflective of the craft model (Stelfox, 2009) of investigations that was particularly evident in the 1970s, 1980s and 1990s. The comments of FD 1 also raises the question of how would a junior detective know what was considered good and bad practice?

The approach to the training of detectives was to change considerably in the mid-2000s with the introduction of the Professionalising Investigation Programme (PIP), which was to provide a standardised and professionalised approach to training and a way of measuring the competency of investigators (Stelfox, 2009). Introduced in September 2005 its establishment was described by SD 20 as a significant development in the history of homicide investigation, particularly the recognition that certain skills were required to investigate murder, which they felt detective training lacked historically:

*"For me the watershed moment would be making sure you're PIP accredited. The distinction I would make between before that time is the understanding that murder required an assessment of your skills or portfolio. To make sure you're qualified is a sea-change to times in the past where you wouldn't necessarily look on that as a necessary component to investigate murder"* (SD 20)

During the fieldwork I attended SIO training. I observed that PIP appears to have retained elements of training from the past. For example, one of the detectives explained that guest speakers would visit them during the training and forensic matters were also discussed. Part of the training involved a former Crown Prosecution Service lawyer attending and taking the attendees through the process of applying for a warrant for further detention. This involved a role-play format and each attendee went through the application with the lawyer. Afterwards the group were given feedback on their performance and general tips on attendance at court. This indicates that the legal aspects of investigation understandably remain an important part of the training process and that this is delivered in such a way as to recreate situations that might be faced by the officers. Additionally, a forensic expert spoke to the class. This individual described the history of DNA and discussed other important issues such as avoiding the contamination of evidence. It was evident that the training of detectives today involves the simulation of homicide investigations; something the interviewees felt was missing in the detective training course.



Referring to the training of SIOs, FD 2 explained that the structure today is designed to put them under pressure and that this is achieved, suggesting that the conditions of the training today are designed to be more reflective of the situations in which they will find themselves. This would indicate that the training has addressed the concerns discussed above since the practical element now comprises a significant component of modern-day training:

*“You act as an SIO for a week in a training room environment and you lead it and it’s a system which has been developed to put you under pressure and test you and you do get that” (FD 2)*

PIP also provides a way in which to measure the competency of detectives. Following the training and time that is then spent in the workplace to apply what has been learnt, officers are assessed against National Occupational Standards (Stelfox, 2009). This is something that according to the interviewees was not catered for in the past. The importance and emphasis placed upon measuring the competency of detectives today can also be linked to the comments of FD 2. Whilst accepting that the training today is more focussed, FD 2 explained how the professionalisation and standardisation of training today provides a way for the police service to cover themselves if something were to go wrong during an investigation:

*“There is an element of, excuse the term, backside covering now. We’re always open to litigation now, so if we get it wrong it’s always in the media so you have to make sure that the training has been delivered, that it covers the areas, so that if it ever comes to that it goes wrong, there’s inquests or litigation of some sort at least you know the officer has received the right level of training” (FD 2)*

Overall, it was apparent that most interviewees deemed the training today to be an improvement upon that which was delivered until the mid-2000s. However, given the importance that was placed upon experience ‘on the job’ and learning from others in the past, the pertinent question that remained in considering the data on training today was whether it is this or classroom learning that is key to preparing detectives for modern-day homicide investigation? It would appear that the answer is that it was experience and learning whilst ‘on the job’ that was considered to be the most effective form of training, something also identified by Smith and Flanagan (2000). This was a view that was held by all of the interviewees:

*“There is no training like on the job training” (SD 18)*

*“Experience is key” (FD 10)*

SD 14 felt particularly that learning on the job and having a broad experience of homicide investigations was key to becoming an effective SIO. It is worth noting here that at the time of the interview SD 14 had yet to take part in the 3-week SIO training course, which might explain his views:

*“It’s learning from what you do, from the job and it’s work experience. If I took a layperson off the street, a very intelligent person like yourself, and gave you a 3 or 4 week SIO course and then sent you to SIO a murder, I would probably do it better – through life and work experience rather than sitting down and taking a front loaded course” (SD 14)*

SD 14 explained that although he was a relatively junior SIO his 18-year background in policing has meant that he has been exposed to, and been involved with, murder investigations for some time:

*“I’ve been involved in murder investigations in various roles since, the first one was in 1998. I’ve been on the periphery, the action team, I’ve office managed a murder, so I know how the system works. So it’s a case of you’ve got the experience of policing in general to have the capability” (SD 14)*

When asked what it is that is so important about learning on the job and from experience, SD 14 replied that it was having the opportunity to learn from your mistakes and being able to identify the most effective way of doing things. SD 14 illustrated this by describing a case that he was involved in. SD 14 recounted how the SIO and he discussed the possible options in using the CCTV footage that had been obtained during a murder investigation:

*“We start talking about how can we prove that’s our man in the shop? We’ve got nothing forensically to put him in the location it happened, so we’ve got to do our best to show that it is him in the CCTV. So for me, as a detective with previous experience, I go: “quite easy, we know where the camera is, we know where he’s stood, we get someone the same height to stand there and then he’ll be the same height at the wall as the other person and you’ll know that person is the same height”. But [names SIO] says, “Don’t do it” so I asked why and he said, “it’ll be more trouble than it’s worth”. So the books say “if you want to establish the height of someone, put someone in the same place so you know how tall they are”, but it doesn’t account for all the variables like are they running? Are they stood? Crouched? From previous experience [names SIO] said “don’t bother it’s a waste of time” but if we’d gone by the book, the tick list...so to me that’s where a good SIO comes from” (SD 14)*

The data also reveal that the skills required to conduct homicide investigations are extensive. Many of the interviewees struggled to answer the question of what skills are necessary for detectives today. Those often cited related to being resilient and dogged, which are traits that cannot necessarily be trained or measured formally. Relatedly, they explained that it is

difficult for SIOs today to be involved in the minutiae of homicide investigations, something that is largely due to the complex science and technology that features in many modern-day investigations. Consequently, they are reliant on other specialists in their team to feed the relevant information to them. This would also have repercussions for the way in which training is developed. Interestingly, the skills cited by the interviewees in this research coincide with the three clusters identified by Smith and Flanagan (2000, p24): management skills, investigative ability and knowledge levels. The long list of skills indicate that the role of the SIO, and indeed the detective, is an incredibly complex one, more so than it ever was in the past due to rapid developments in science and technology. Thus, it can be argued that it would be difficult for formal training alone to provide investigators with the skills that they need, highlighting again the importance of gaining experience ‘on the job’.

It is important to acknowledge the backdrop against which this research was conducted, specifically, the substantial budget cuts that the police have faced. Smith (2016, p179) notes that the coalition government’s 2010 spending review “removed a significant amount of funding from police forces across the UK”. Rogers (2014) notes that since 2010 police budgets have been reduced by 25%. It would seem that this has also affected training. Many detectives told of a lack of experienced SIOs and the inability of police services to release officers from divisions to the CID so that they can gain experience due to budget and staffing issues. This raises the question of how future detectives will benefit from what virtually all interviewees considered to be the most effective way of learning. SD 8 expressed concern that there are not many SIOs working within their police service, which means that consequently there is a lack of mentors for new SIOs:

*“Because there aren’t many SIOs in the force and that’s one thing I would say is lacking that mentor that you can shadow for some time until you feel confident really because every single murder investigation is different and each comes with different challenges, so I think that’s the gap for me” (SD 8)*

FD 2 held a similar view. FD 2 explained that the major crime team that he used to be the head of was being reduced in size. He explained that this was a result of the number of murders that they were experiencing diminishing, and so the expenditure cannot be justified:

*“A lot of it is driven by money. The problem is in my time when I was head of major crime, we were averaging anything between 15 and 20 murders a year, it has gone down now I think. I was only speaking to them last week and they’re averaging less than 10 sometimes now, so to have a designated team on standby, you just can’t afford it, so the team is being shrunk. So when I was head I had five DCIs and five DIs, I think they’re now down to three DCIs and 3 DIs” (FD 2)*

A similar point was made by FD 27, a former detective now working in a civilian post and based at a different police service to that of SD 8. He remarked that *“there’s more people wanting to be SIOs and less murders”* indicating again that there will be fewer opportunities for less experienced officers to gain experience of murder investigations. Ultimately, if learning from others and gaining experience of homicide investigations are considered to be central to the training of detectives, the findings presented in this section give potential cause for concern for future detectives and approaches to training. Simply, if there are fewer opportunities for newer detectives to gain exposure to investigations then this might impact upon their ability to lead investigations when they take the position of SIOs.

### **Conclusion**

The findings of the interviews with former and serving detectives show that what it is to be a detective today has changed almost beyond all recognition. More often than not, detectives of the 1970s, 1980s and early 1990s held a degree of kudos that set them apart from anyone else within the police service. Theirs was a ‘job for life’ and they demonstrated a commitment that was not hindered by thoughts of working hours. The findings suggest that detectives of this time ‘worked hard and played hard’ with alcohol playing a significant role in their lives, that the majority of interviewees drew comparisons with ‘Life on Mars’ and commented that this was an accurate, albeit exaggerated, portrayal of detective work at this time is telling. By comparison, today’s detective does not appear to view their position in the same way that their predecessors did and, according to many they do not possess the same status. Questions were raised by the interviewees around the level of commitment sometimes demonstrated today and the focus upon working hours and pay. The data also reveal that there are more female detectives working on homicides than was the case in the past, but the experiences of one female detective suggest that the position of males is sometimes favoured. It has also been shown that both the former and serving homicide detectives believe the modern day approach to training to be an improvement on that of the past, which was focused on learning legislation with little preparation for the realities of investigation. However, the interviewees considered experience of investigations and learning from their peers to be the most important components to becoming both an effective detective and SIO.

## **Part Three**

### **The Discussion**

The preceding four chapters were designed to present the data that this research uncovered. These chapters very much aimed to convey the detectives' perspectives on the changes that have shaped the investigation of homicide in England and Wales over the past four decades. In Chapters Nine and Ten that follow, I move beyond the detectives' perspectives, revisiting the findings and drawing comparisons with the existing literature.

Chapter Nine summarises the ways in which homicide investigation was reported to have changed since the 1980s, before moving on to the more complicated endeavour of explaining why these developments have occurred. Four main drivers of change are proffered and the changes that they are considered responsible for are discussed. The final chapter in this thesis, Chapter Ten, considers the impact of change and how it has shaped investigations for the better, but has posed new challenges for today's homicide detective. It will become apparent that there is evidence to suggest that change has not always resulted in improvement. For example, miscarriages of justice do not seem to have been consigned to the past and the homicide detection rate remains relatively static. I end this chapter, and the thesis, by revisiting the original research questions and providing a final conclusion.

## **Chapter Nine**

### **Explaining Change**

Policing, as argued by Rogers and Gravelle (2012, p420), does not operate “in a social, political or economic vacuum”. Therefore, explaining change is a complex undertaking. This task has been carried out by scholars in a number of areas of policing and criminal investigation (Matassa and Newburn, 2007; Savage, 2007; Stelfox, 2009). An exploration of changes to homicide investigation specifically, however, represents a lacuna in the policing literature. It has been the aim of this research to address this gap. In this penultimate chapter I revisit the first two research questions, namely the particular ways in which homicide investigations have changed and the drivers of these changes. In Chapter Ten the final research question is tackled. In the present chapter I, firstly, provide a synopsis of the changes that were identified by the interviewees. Secondly, whilst acknowledging that understanding why change occurs necessitates an appreciation of numerous influences, I present four key drivers of change and provide examples of the particular developments that are attributed to them.

#### **A Myriad of Changes**

“Britain’s police service is no stranger to change” (James and Mills 2012, p134).

The literature acknowledges that there has been extensive change to policing in England and Wales, as the above quote suggests. This research has found that homicide investigation is no exception. As outlined in Chapter One, the first research question was to determine the changes to which homicide investigation has been subject since the 1980s. Answering this question addresses an obvious gap in the literature since a holistic exploration of the changes to which homicide investigation has been subject is lacking. Therefore, each participant was first asked what he or she considered to be a significant change that transpired during his or her career. Four main areas of change were identified. These were: science and technology; legislation, regulation and guidance; investigative practice and; lastly, detective status and culture.

In this first section I remind the reader of the specific changes that sit within these four categories. They include both those cited by the interviewees in response to that question, as well as those that I garnered during subsequent discussions and whilst examining the case

files and conducting the observations. The literature that is available regarding change and homicide investigation is drawn upon where relevant to demonstrate how the findings of the present research compare with what is already known. Further, the broader policing and criminal investigations literature is drawn upon to illustrate how developments here compare to those in respect of homicide investigation.

Firstly, this research has established that changes deriving from *science and technology* are generally agreed to be the most significant. The participants' most common unprompted responses referred to DNA, the Home Office Large Major Enquiry System (HOLMES), mobile phones, CCTV and social media. This finding is supported by the wider literature. As was noted in Chapter Three, Innes (2010, p33) recognises that the role of the homicide detective is "increasingly shaped by the use of scientific methods and technologies", which is reflected in the growing importance of the 'science' arm of the 'art, craft and science' model of detective work (Westera *et al.*, 2016).

Secondly, this research has found that *legislation, regulation and guidance* pertaining to investigations in England and Wales have grown substantially since the 1980s. The detectives identified several important examples. The Police and Criminal Evidence Act (PACE) 1984 was said by the majority of detectives to have become an integral part of criminal investigations, as was the Criminal Procedures and Investigations Act (CPIA) 1996, which regulates criminal investigations and prosecutions. The Murder Investigation Manual (MIM) was also described as an important development, as was the introduction of the Human Rights Act (HRA) 1998. What also became apparent during these discussions was that detectives have become increasingly risk averse. Although this is considered a consequence of the increase in legislation, regulation and guidance, the indication that detectives are now more risk averse is in itself an important change. Loftus (2009, p26) notes that, "contemporary police officers work in a substantially different legal context than previous generations", the findings of the present research show that this is also the case for homicide detectives. Indeed, writing about the evolution of homicide investigation, Stelfox (2015, p95) writes that the high-profile investigative failings of the 1970s led to a "raft of legislative and procedural changes". The present work supports this position.

Thirdly, the accounts of the detectives identified a variety of key changes to *investigative practice*. This is supported by existing research on homicide investigation. Innes (2003) writes that the 1980s signalled a shift from an 'autocratic' to a 'bureaucratic' model of

investigations. In the present research, the detectives explained that police services now retain a core team and so the way in which teams are drawn together is no longer ad-hoc, as it was said to be in the past. A more recent development was reported to be the establishment of teams whose sole responsibility it is to investigate major crime. Unlike those with just a core team, these do not have to draft in additional officers from outside. Furthermore, it has been established that the days in which money was 'thrown at' an investigation have gone and budget is said to now be a priority for Senior Investigating Officers (SIOs). Resourcing in terms of staffing was also said to have changed, with the growing use of civilian investigators over the years considered by several participants to be a key development. The research also found that the volume of work that must be conducted has grown. A further change related to the interview process. It was said that with the introduction of models of interviewing, this has become more professional than it was when obtaining a confession was the goal.

It became apparent throughout the research that investigative practice has developed in other respects. Firstly, investigations today are much more complex and SIOs must delegate more work to members of the team and draw on outside expertise to assist with an investigation. Secondly, learning post-investigation has become an important aspect of homicide investigations today. The use of debriefs to identify good practice lends further support for this finding (Brookman and Lloyd-Evans, 2015). The Domestic Homicide Review is another example. Introduced in 2011, these examine domestic homicides to establish what lessons can be learnt from the cases and how responses to domestic violence can be improved (Payton *et al.*, 2017).

Finally, changes to *detective status and culture* itself have been vast. Many detectives explained that the kudos once associated with being a detective has diminished and it was reported that they are no longer seen as 'something special'. In terms of culture, the drinking and 'longest hours' culture that were central elements of detective work in the past, were said by the majority of interviewees to have largely disappeared. Additionally the mind-set of investigators has altered. In the past the approach was reportedly characterised by tunnel vision and a 'we need to get our man' attitude led by SIOs who were feared. Conversely, the detectives explained that they are now more open-minded, and a key objective is that the investigation is properly conducted. Another significant development that also became apparent during these discussions was that there are now more female detectives than there were historically, although this was not cited as a key change when that question was asked.



Given these changes and the others that have been discussed, it is perhaps unsurprising that detective training has changed considerably. It was said to be more professional and has moved away from merely learning legislation and the introduction of the Professionalising Investigation Programme (PIP) specifically was reported to be an important change.

The scant work that has examined detective culture includes that by Maguire and Norris (1992). Albeit dated, they found that detectives were more likely to “sail close to the wind”, which they attributed to the nature of detective work being less visible than that of uniformed officers (Maguire and Norris 1992, p21). The findings of the present research indicate that this is perhaps no longer the case. The loss of the drinking, ‘longest hours’ culture and the increased presence of female detectives might also indicate that the “machoistic” values that Innes (2003, p15) suggested underpin detective work have weakened. However, there are some suggestions that detective culture has perhaps not changed to the extent that my research has indicated. In their study on PIP and professionalisation, James and Mills (2012, p138) found that whilst some respondents suggested the culture had changed significantly and had become more professional, others indicted that the old culture remained and was manifest in the “fit in or f\*\*\* off” mentality of some individuals. Nevertheless, the findings of the current research would suggest fairly substantial change.

It has been shown here that there was little that was controversial in the responses to the question of how homicide investigations have changed since the 1980s. Overall, it is clear that there is no aspect of homicide investigation that has escaped some form of adjustment across this time period. Further, there is commonality with the existing literature around homicide investigations and with the broader policing literature about change. What the present research adds is a comprehensive overview of what homicide detectives consider to be the fundamental changes to have shaped these investigations since the 1980s.

### **Explaining Changes to the Investigation of Homicide in England and Wales**

“The police are like social litmus-paper, reflecting sensitively the unfolding exigencies of a society” (Reiner 2005, p676).

The detectives’ explanations for change mostly centred on capitalisation by the police upon developments in science and technology, reactions to ‘problematic’ cases and the widespread recognition that detective work was in need of reform. These explanations are likely to

reflect their personal experiences. The literature around policing and criminal investigation reveals other explanations.

This section is therefore divided into four parts, each dealing with what appear from the research and from wider reading to be important drivers of changes to homicide investigation. These are: the preoccupation with risk; the changing political economy; reactions to miscarriages of justice or problematic investigations; and advances in science and technology.

As revealed in Chapters Two and Three, Stelfox (2009, p33) presented three drivers of change in criminal investigation:

- Changes to the legal framework.
- Technological and procedural changes.
- Miscarriages of justice and concern around police effectiveness and their conduct.

There is evidently some similarity with what this research has found and what Stelfox (2009) identified. However, the findings of the present study extend the work of Stelfox (2009) by taking into account the role of risk and the changing political economy.

Importantly, there are other dynamics to consider that are also relevant to explaining change in homicide investigation. As established in Chapter Two, these include fluctuating crime rates, changes that have made it more likely that society will challenge those in authority (Bryett, 1999) and the status that homicide holds, which is such that it remains high on the agenda of public interest. The latter is, according to Stelfox (2015), of particular importance since it is the public's fear of this offence, despite its low occurrence, that causes them, politicians and other agencies to place significant demands on the police in respect of homicide investigation. These will be alluded to during this discussion. Fundamentally, as with policing more broadly and other organisations, there are a plethora of elements that have in some way compelled changes to homicide investigation and the relationship between them is by no means linear. What this also tells us is that whereas the literature regarding homicide investigation often cites the Byford Inquiry, which emerged as a result of the Yorkshire Ripper investigation, as being the start of significant reform of major crime (Brain, 2010; Innes, 2003), the picture is more complicated. This research suggests that although the importance of the case is not in question, caution is perhaps needed when attributing it as the watershed moment in major crime investigation.

It is not always easy to disentangle the various influences of change, hence there exists much overlap throughout the following discussion explaining why change has taken place. I argue that this should not be downplayed for it is necessary to understanding that the changes to homicide investigation in England and Wales are complex. The thoughts of Pettigrew (1990, p269) on studying change, reflect the position of this chapter:

Beware of the myth of the singular theory of social or organisational change...Arguments over the true or single source of change, while interesting and worthwhile in the sharpening of academic minds and egos, are ultimately pointless. For the analyst interested in the theory and practice of changing, the task is to identify the variety and mixture of causes of change and to explore through time some of the conditions and context under which these mixtures occur.

With this in mind the remainder of this chapter will consider each driver of change in turn. I discuss why they are deemed responsible for inducing change and some of the developments they have influenced, beginning with a preoccupation with risk.

### A Preoccupation with Risk

As discussed in Chapter Two there has been a growing preoccupation with risk in late modern society. Late modernity, from the late 1970s onwards, is “characterised as ‘the end of certainty’” (Kemshall 2003, p7). Its relevance to this research in terms of timing alone is clear. This preoccupation with risk has led to concerted efforts to try and manage it. We saw in Chapter Two how this has influenced changes in policing generally (Bishop, 2015). This research has found the emphasis on risk to also be an important driver of changes to homicide investigation in England and Wales. In particular, it is aversion to risk that has driven many changes to homicide investigation.

Understanding why concern with risk drives change necessitates an appreciation of the status of homicide as it is argued that this heightens anxiety around risk. High-profile homicide cases, which Innes (2001, no pagination) refers to as ‘signal crimes’, can become “vehicles for popular demands for the introduction of more control and more order” because of the concern that society has with managing risk and that these measures of control gradually expand in response to new problems in what he calls ‘control creep’<sup>32</sup>.

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<sup>32</sup> Innes (2001) explains that ‘control creep’ is derived from ‘surveillance creep’ introduced by Marx (1998).

Change has often taken place in response to cases in which errors have been made in a bid to show that this will not happen again. This risk aversion has manifested in efforts to formalise and regulate homicide investigation, for example, through legislation to govern the practices of detectives, the introduction of guidance and the professionalisation of interviewing and training. This, in turn, increases the complexity of investigations as detectives try to ensure that the correct boxes are ticked, an issue that will be returned to in Chapter Ten. Indeed, this research identified that the volume of work that must be conducted has grown, which was partly attributed to risk aversion on the part of the police service. Further, as Littlechild (2008, p665) argues, efforts to determine and minimise risk have led to an “increasing tendency to regulate professionals and their decision-making”. This has undeniably been the case for homicide investigation. The focus upon risk and its management explains why learning has seemingly become so important, something the current research found not to be the case in the past. Reviews of murder investigations are one opportunity for learning to take place and Jones *et al* (2008, p477) note that a key question for these reviews is “could this have been prevented?” That today’s investigators are now concerned with preventing homicides has been considered a consequence of the emphasis upon risk management and risk minimisation (Brookman and Innes, 2013), reducing and preventing homicide has consequently become an important measure of success in investigative work (Brookman and Innes, 2013).

The placement of risk at the start of this exploration of what drives change is quite deliberate. This is because its influence will become apparent as we review the other explanations of change. The preoccupation with risk might realistically be considered something of an overarching driver of change in homicide investigation.

### The Changing Political Economy

It was established in Chapter Two that matters of ‘law and order’ did not feature strongly in political debates until the late 1970s when the Conservative government made it a priority, increasing spending on the police in the process (Downes and Morgan, 1997). It was said that the police at this time enjoyed a “relatively privileged status” (Golding and Savage 2008, p736). Consequently, they escaped many of the reforms that other public services were undergoing under the rise of ‘new public management’ ideals (James, 2013). However, the relationship between police and governments changed considerably during the 1980s and 1990s as effectiveness and efficiency became increasingly important, control centralised and

the police were no longer free from the public service reform that was materialising as part of the New Public Management (NPM) agenda.

Police reform has thus become an increasingly important aspect of political agendas across the last few decades. Such developments have been referred to as the politicisation of law and order and this is considered another explanation for change in homicide investigation. Further, the present research has found that change will depend upon which government is in place, which is additional evidence of the role that politics plays in encouraging change. The work of Savage (2007) helps us to understand why the politicisation of law and order can be deemed responsible for driving change in policing. Savage (2007, p329) writes that the politicisation of law and order has led to the police to be seen as either ‘too hot to handle’ or ‘too hot to leave alone’ (Savage, 2007). Here Savage (2007, p328) explains why the police service might be considered ‘too hot to handle’:

Given the pivotal role of the police in the imagery of the politicisation of crime and law and order as the frontline in the ‘war on crime’, the police may be courted and pandered by government, and as such allowed a privileged status as a public service; ‘support’ for the police can be paraded as evidence of the determination of government to confront law and order. Even if reform of police is considered necessary, the dangers of reform appearing to be ‘antipolice’, an image easily exploited by the opposition (and indeed by the police themselves) may prove fatal to those beliefs. Here, the spectre of the police being ‘too hot to handle’ presents itself.

On the other hand, the politicisation of law and order leaves the police vulnerable to blame leading governments to consider reform:

While the police may be perceived as potential saviours in the war on crime, they are also potentially a target for blame, should crime continue to be seen as a threat. This is the point at which governments may shift their stance on the police from one of them being ‘too hot to handle’ to one of being too hot to leave alone. (Savage 2007, p329).

Savage (2007, p329) goes on to argue that the politicisation of law and order has led to an “insatiable public demand for ‘more’ law and order”. Consequently, the police can no longer be left alone by the government (Savage, 2007). When we consider the changes that have taken place across the last four decades it would appear that there has been a particular shift towards the view that the police are ‘too hot to leave alone’ since the 1980s. When considering homicide investigation specifically it might be argued that this is especially the case. Many of the changes that have occurred have been a consequence of ‘things going

wrong' and the response is often one of 'this must not happen again'. Certainly, this research has identified that homicide detectives today are acutely aware of the significant consequences that would follow any investigative failings. Given that public expectations of the police investigation of homicide is incredibly high, despite the rarity of the offence (Stelfox, 2015), it is easy to how any problems will lead to a strong response from government and calls for change. Moreover, stories about crime have featured more obviously in the media since the Second World War (Reiner, 2008), another change that is likely to have influenced public expectation and how problems are responded to. This is an argument that is strengthened when the preoccupation with risk is taken into account, which demonstrates the need to consider more than one explanation of change and the pervasive nature of risk. In summary, the last four decades have seen a change in relationship between the police and governments and law and order becoming politicised. This has rendered the police more likely to be a target for major reform.

Also relevant here is the advent of NPM, which as discussed in Chapter Two, was only briefly avoided by the police. The emphasis on managerialist principles is something also recognised by Bryett (1999), Savage (2007) and van Dijk *et al* (2015) as being a driver for change in policing generally. Although James (2013) writes that NPM did not impact upon criminal investigation in the manner that it did uniformed departments, it is suggested that these principles have, at least indirectly, filtered down to the investigation of homicide. The influence of NPM upon these investigations is supported by Brookman and Innes (2013) who argue that the emphasis on procedure now evident in investigations can be attributed both to growing concerns with criminal investigations during the 1980s, and the drives towards improving efficiency and effectiveness that are linked to NPM.

The role of NPM in driving change is also evident in the increase in the numbers of civilian investigators working on homicide investigations. The use of civilians in policing and investigations is not new (HMIC, 2004), but numbers have steadily increased. In the early 1980s civilianisation "was seen as a by-word for police economy, efficiency and effectiveness" (HMIC 2004, p39) and was an important part of the value for money agenda (Savage, 2007). However, in a further indication that one explanation for change is insufficient and of the overlap in explanations, the growth of civilian staff can also be explained by the increasing complexity of investigations that has come as a consequence of scientific and technological advances. Consequently, civilianisation has grown further since the 2000s in response to the recognition that more specialist skills are required in policing

(Fleming, 2009). This is also further evidence that the view of the police as sacred or special has diminished (Savage, 2007), which allows us to again explain the weakening detective status as identified in the present research.

Unsurprisingly, such explanations also enable us to understand why there have been substantial changes reported in respect of budget, as it has become more closely monitored as part of the focus on efficiency. In addition to this, broader changes to the economy over the years have meant that police budgets have been affected by the current government's austerity measures. This demonstrates once more that there are other influences that play a part in driving change, in this case, global economic issues. This has led to spending on the police falling by 20% between 2011 and 2015 (HMIC, 2014). This has, in turn, led to a reduction in the numbers of police officers, with them falling by 14% or 20,000 officers between 2009 and 2016 (Institute for Fiscal Studies, 2017). It is possible to understand why those running Basic Command Units (BCUs) struggle to release officers to assist on investigations as found by the present research. A recent HMIC report on police effectiveness recognised that because of cuts "forces have to make difficult decisions about where best to allocate their resources" (HMIC 2017, p10). In a further example of the connection between explanations for change, Innes (2014) suggests that the disinvestment in policing is a consequence of efforts to reduce public service spending and because of falling crime rates. However, he also links this to a "moral disinvestment" in the police, which he argues is the result of scandal (Innes 2014, p64). Conversely, Terpstra and Trommel (2009) suggest that the advent of managerialisation in The Netherlands was an attempt to restore legitimacy. It is also likely that this aim played some part in justifying the extension of managerialist principles in England and Wales in the 1980s, given the concerns around rising crime rates and the occurrence of miscarriages of justice at this time.

Heslop (2011) suggests that the advent of NPM can help to explain the increase in bureaucracy in policing that has been widely recognised, both within the literature and the current research. Heslop (2011, p318) draws on the work of Ritzer (2004) in arguing that NPM has led to the police becoming "McDonaldised". McDonaldisation is "the process by which the principles of the fast-food restaurants are coming to dominate more and more sectors of American society as well as the rest of the world" (Ritzer 2015, p1).

There are four key principles that underpin this theory: efficiency, calculability, predictability and control (Ritzer 2015, pp. 14 -16). Heslop (2011, p316) argues how these can be applied

to policing resulting in what he terms “McPolicing”. Although Heslop (2011) does not refer to the investigation of homicide, there are parallels when we consider the notion of predictability. Ritzer (2015) explains that in the context of fast food, predictability refers to the customer receiving the same product at whatever McDonalds’ restaurant they visit. In the context of policing Heslop (2011, p317) argues that over many years the police have aimed to achieve predictability, in their unpredictable world, through the standardisation of “procedures, services and administrative techniques”. Heslop (2011) suggests that this has led to the police service becoming increasingly bureaucratic and risk averse. The present research has found this to also be the case with homicide investigation and is an issue that we will return to in the next chapter.

It has been demonstrated that the relationship between police and governments has shifted considerably over the last few decades and consequently the police have become liable to externally imposed change as law and order became politicised. It has also been argued that high public expectations of police investigations of homicide and the preoccupation with risk also help us to understand why police are now more likely to be subject to political pressure for change. This also explains why the police only avoided the drive towards NPM for a short period of time. This is important because the focus upon efficiency and effectiveness that are linked to NPM can be considered responsible for driving many of the changes in homicide investigation in respect of budget particularly. However, issues with the economy have also influenced this.

### Reactions to Miscarriages of Justice and Problematic Investigations

The role of miscarriages of justice and other problematic investigations in influencing change has been established by the present research and is widely documented in the literature (Savage, 2008; Savage *et al.*, 2007; Stelfox, 2009). It was also shown in Chapter Two that organisations in general could be driven to change as a consequence of failings (Sendrea, 2017; Weick and Quinn, 1999). As outlined earlier many of the detectives I interviewed attributed change primarily to the occurrence of miscarriages of justice and other problematic investigations.

It is argued that the role of particular cases in prompting change can simply be attributed to the fact that homicide is viewed as one of the most shocking crimes. As discussed earlier, it holds a special status in the public imagination (Innes, 2003) and “consistently elicits stronger



condemnation” than other offences (Cooney 2017, p54). Therefore, the status of homicide is such that it increases the likelihood that change will take place. It is this status that seemingly sets homicide apart from other areas of policing and, of course, other organisations. Innes *et al* (2010, p31) found that “a poor police response [to a homicide] is more likely to have a negative impact, than a good response has a positive one”. Therefore, any deficiencies in the way in which a homicide investigation is conducted will often lead to significant media attention and calls for assurances that this will not happen again. Mawby (2012) explains that miscarriages of justice are especially damaging to the image of the police and their legitimacy, so efforts to change become an important step in repairing that damage and restoring lost legitimacy. As mentioned earlier, this can also be understood within the context of increasing concern with risk. Furthermore, these cases put the police in a position whereby they are ‘too hot to be left alone’ by the government (Savage, 2007) as failings make them a target for blame and, therefore, a target for change.

Again, the picture is more complex and we need to take account of other factors that heighten the stimulus for reform. Brain (2010) notes that towards the end of the 1970s, and so at the time that the consequences of the Confait case were being felt, rising crime rates were causing concern about criminal investigations and the criminal justice system more generally. Reiner (1992, p763) supports this position explaining that there was a “veritable haemorrhage of public confidence” in the late 1980s and early 1990s. This helps us to understand change at this particular time. These explanations can further be understood by taking into account broader societal shifts, which are also relevant to the discussions throughout this chapter. In particular, Bryett (1999) argues that improved education, living standards and access to information mean that individuals now have higher expectations of those in authority and are also more likely to question them. Additionally, the escalating media coverage of crime and the growth in social media throughout the 2000s provides the public with a readily available platform to publicly voice any dissent. This shows that whilst miscarriages of justice and other problematic cases might act as a catalyst for change, there are a number of other issues bubbling beneath the surface, which help to turn an event into driver of change. In other words, the foundations of change appear to be falling into place over time. Kingdon’s (1984) ‘windows of opportunity’ theory, outlined in Chapter Two, might assist our understanding of why problematic cases lead to reform:

1. The problem stream: The occurrence of a miscarriage of justice or otherwise problematic case.

2. The policy stream: The implementation of legislation.
3. The politics stream: A motivation to change driven by the need to reassure the public and ensure that problems are not repeated.

The politics stream in the case of policing and change is noteworthy since, as described earlier and in Chapter Two, the police once enjoyed a privileged status. Signs of change emerged in the 1980s. This perhaps also explains why it is since this time that there has been such considerable change – the third stream, the political will for change, has become stronger.

Many of the changes that this research has identified can be traced back to particular cases. These are changes that can be deemed responsible for the increased volume of work that modern-day investigations generate and the more complex nature of them. Miscarriages of justice and problematic cases have been responsible for the introduction of various pieces of legislation, regulation and guidance. The investigation into the 1972 murder of Maxwell Confait was a miscarriage of justice that proved fundamental to the establishment of the landmark PACE. The introduction of the CPIA is further evidence of the role that miscarriages of justice have played in encouraging change. It was the failings in the disclosure of evidence in the Kiszko case that led to the implementation of this Act (Stelfox, 2009), which sets out how the disclosure of evidence should be managed. Such cases do not just lead to legislative change. As outlined in Chapter Two, although much attention was focused upon the police and racism, the quality of the investigation into the 1993 murder of Stephen Lawrence led to changes that have shaped the investigative process, including, the introduction of the MIM.

These cases can also be considered responsible for changes to the way in which investigative teams are brought together, which the current study found to be an important development. Innes (2003) describes how the autocratic model featured the SIO at the centre who would hold all the information about a case with less senior officers having little idea as to the details. Innes (2003) explains that the risk of ‘tunnel vision’ was substantial, which is reflected in the findings of my research, and that the first signs of change around the organisation of homicide teams thus became apparent in the 1980s when there was a shift to a bureaucratic system. This was a decade in which a large number of miscarriages of justice came to light, which led to calls for more standardisation of procedures. The importance of standardisation was first highlighted in the Byford Report that followed the Peter Sutcliffe

case. Byford (1981, p154) urged the Association of Chief Police Officers (ACPO)<sup>33</sup> to “consider the standardisation of Major Incident Room documents and procedures”. This triggered a series of changes in the organisation of investigations and in how teams operated.

The problems that have plagued major crime investigations have also led to the adoption of new techniques to try and avoid similar problems occurring in the future. As was discussed in Chapter Two, the inquiry following the investigation into the crimes of the Yorkshire Ripper led to the introduction of HOLMES, such were the difficulties that were experienced in managing the masses of information using paper systems. Relatedly, Barclay (2009) argues that many miscarriages of justice of the 1980s were due to investigative teams pursuing suspects specifically selected by the SIO, something mentioned by the participants of the current study. Barclay (2009) explains that consequently scientific evidence became an important tool in helping to correctly identify and eliminate suspects.

The “confession culture” (Savage and Milne 2007, p614) approach to interviewing of the past led to oppressive questioning and is recognised as being responsible for many miscarriages of justice. This is supported by the findings of the present research as reference was made to flawed cases in which there were substantial issues with the way in which interviews were conducted historically. However, at first change in this area was quite slow. Whilst PACE was an important step forward in regards to interviewing, for example it stipulated that interviews be contemporaneously recorded, it was still some years before there were further efforts to formalise interview training and the interview process. Griffiths and Milne (2006, p169) explain that the changes that were brought about by PACE, such as the recording of interviews, provided researchers with a “window into the interview room” leading to further concerns being raised. The subsequent introduction of the PEACE model of interviewing is an example of attempts to address such concerns. This tells us that whilst a miscarriage of justice shone an initial light on the problems with interviewing and led to changes being made, those changes in themselves paved the way for further reform.

The importance that this research found to now be placed upon learning from all investigations, as opposed to those where something fundamental has gone wrong could also be said to originate from instances in which investigations have failed in some way. Miscarriages of justice and other cases that have been criticised often prompt calls for the problems to be addressed and assurances that this will not happen again – ‘lessons will be

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<sup>33</sup> In 2015 ACPO was replaced with the National Police Chiefs Council (NPCC).

learned’ is a common phrase at such times. Indeed, the Macpherson Report recommended that Codes of Practice were devised to direct reviews of investigations. However, such is the importance that is placed on learning it is no longer just a response to things ‘going wrong’ and it now forms an important part of the investigative process. Brookman and Lloyd-Evans (2015) highlighted the importance of learning during their research into structured and hot homicide debriefs, whereby the importance of identifying good practice and areas for improvement from each investigation was evident.

The occurrence of miscarriages of justice or other problematic investigations also help to explain some of the changes discovered here to the detectives’ mind-set, changes that were discussed by the interviewees in the context of the shifting culture of detective work. Specifically, some of those interviewed for this research suggested that the mind-set of investigators has changed. The approach of ‘we need to get our man whatever the cost’ has reportedly shifted to one in which the aim is to achieve the right outcome and conducting an investigation that can withstand scrutiny. This finding is supported by the work of Brookman and Innes (2013). In their research exploring what constitutes a successful homicide investigation, they found that ‘procedural success’, or “maintaining the integrity of the investigation” has become increasingly important (Brookman and Innes 2013, p300). Relatedly, the aforementioned CPIA stipulates that all lines of enquiry must be pursued showing that there is now no place legally for the ‘tunnel vision’ mind-set that was evident in the past. In addition, the MIM, which aimed to provide a blueprint for investigations, states that “it is not an admission of personal failure to change investigative direction in the light of new material” (ACPO 2006, p57), which is illustrative of the importance now placed on investigative directions being based on evidence as opposed to suspects chosen by the SIO.

Finally, the media and fictional representations of the detective often portray them very much in a way that is representative of the ‘craft’ model of detective work. Although such representations endure, miscarriages of justice and other problematic investigations have brought the police under further scrutiny by the media and the public are now intensely aware of the failings of the police, since they are constantly under the watchful eye of an “unforgiving media” (Beckley and Birkinshaw 2009, p7). Certainly, this research has found that homicide detectives were conscious of the media and the widespread negative coverage that problems with investigations would generate. Therefore, the combination of these cases and the closer scrutiny of the media might also help to explain why the kudos associated with detective work has reportedly diminished.

This section has shown why our reactions to miscarriages of justice and other problematic cases are such that they have become a driver of change in homicide investigation. It has been shown that this can be linked to the public's perception of homicide, but that improvements to education have made it more likely that those in authority are challenged, demonstrating the influence of societal shifts (Bryett, 1999) as discussed in Chapter Two.

### Advances in Science and Technology

Both the literature and the participants in this research report that the police service, as like many other organisations, have simply capitalised upon scientific and technological advances over the past few decades as part of modernisation (Senior *et al.*, 2007). As Bayerl *et al* (2013, p794) state “there is little doubt that technological innovations have a direct impact on organisations”. Similarly, Stelfox (2009) argues that developments in science and technology act as a driver for change. In Chapter Three I described the many scientific and technological tools that have been developed for use by the police. These have become standard major lines of enquiry in investigations. Thus, changes that occur outside of the world of criminal investigations can, in turn, change investigations providing investigators with new tools to assist during the course of an investigation.

However, research conducted by Bayerl *et al* (2013) suggests that the picture is more complex. In their article exploring the complexity of organisational change that is driven by technology, they looked at the adoption of social media by various police forces across Europe, including the UK, to see what factors at a macro level led these technologies to being adopted or not (Bayerl *et al.*, 2013). Bayerl *et al* (2013) found that the implementation of social media varied across Europe. Police in the UK utilised it to engage with the public on a more regular basis than France and Italy, with officers there deeming its use to be “incongruous” with their role, suggesting that how the police perceive their role influences whether changes are adopted (Bayerl *et al* 2013, p801). Additionally, the authors suggest that economic challenges in the UK might also explain why they have embraced social media since it offers a cheaper way of communicating with the public and gathering information (Bayerl *et al.*, 2013). They also posited that those forces that adopted social media were demonstrating their willingness to make errors “in the eyes of a critical public” (Bayerl *et al* 2013, p801). Again, this research refers to police officers, but there is some alignment with the findings of my research as I have also found that the police service has become more accountable and open about homicide investigations over the years. As a further example,

the website for Avon and Somerset police carries a video of the Major Crime Team officers talking about their work investigating cold cases (Avon and Somerset Constabulary, 2017). The work of Bayerl *et al* (2013) supports the position of the current research that explaining change in homicide investigation demands a broad perspective.

A further explanation for the proliferation of science and technology in homicide investigations is that it is linked to the drive towards professionalisation. The notion of professionalisation of the police is not new (Matassa and Newburn, 2007), but it has undoubtedly gained pace in recent years. As James (2013, p13) writes, “in the recent history of British policing, a consistent theme has been the effort to professionalise what traditionally was craft”. As we saw in Chapter Three, the ‘craft’ view of detective work suggests that it is “developed through natural instinct and experience” (Innes 2003, p9) and is associated with traditional views of detective work (Tong and Bowling, 2006). Manning (1977) argues that technology is one example of a number of presentation strategies that the police adopt to appear professional. Taking a different perspective, Green and Gates (2014, p85) argue that as well as these advances helping investigations to become more professional, technology acts as a *motivator* for professionalisation as it has “increased the level of accountability of the police, with ‘citizen journalists’ monitoring police operations and posting on YouTube to go global in an instant”. According to this view technology places the police under further scrutiny, which can lead to increased efforts to present a professional image, something that is also heightened when we take into account the high expectations that the public have of the police, especially with homicide (Stelfox, 2015). The present research has found that detectives are under more scrutiny and the prevalence of mobile phones and the public using phones to film them was one example of this scrutiny. However, it is arguably more likely that police officers’ interactions with the public might be filmed given the frontline nature of their work. The fact that homicide detectives also discussed this is perhaps indicative of the intensity of the scrutiny that the police service as a whole feel that they are under.

Advances in science and technology are undoubtedly responsible for many changes to the investigation of homicide in England and Wales. Clearly, they have led to investigations to becoming more complex and have generated more work to be completed because of the lines of enquiry that they offer. Scientific and technological advances have also led to the introduction of legislation, regulation and guidance to ensure that these tools are used correctly during investigations, such as RIPA to regulate covert operations that involve technological tools.

This research has identified that detective work today is perhaps more a 'science' than an 'art' or 'craft'. This was also found to be a consequence of scientific and technological change. Therefore, advances in this area might also be deemed responsible for the apparent weakening of the detective status, as it is now necessary for them to draw on outside expertise and delegate more so than they did in the past. In addition, such changes can be considered responsible for the increase in civilian investigators, as more specialist skills have been required. This finding is supported by Tong and Bowling (2006, p2) who write that "detective work as a science arguably removed some of the mythical and cultural barriers to leaning and practising detective work". Conversely, this research has also found that the PIP training was seen to be an improvement on previous models of training, but that the importance of learning on the job remained. Therefore, although it is argued that changes in respect of science and technology have shifted detective work to being seen very much as a 'science', the detectives continue to place importance upon the 'craft' of their work.

Although a seemingly straightforward endeavour at first glance, it has been shown here that explaining why developments in science and technology act as a driver change in homicide investigation requires a broader focus than just accepting that the police service have taken advantage of innovation. Their adoption is driven by other factors at both an organisational and societal level.

The drivers of changes to homicide investigation in England and Wales and the changes that they have driven are presented in Table Two. It is important to restate here, however, that whilst this table is designed to give the reader a concise overview, there exists much overlap between the drivers of change that have been identified and they should not be viewed in isolation from each other.

Table Two: Homicide Investigation in England and Wales – Drivers and Changes

|                | <b>Driver 1<br/>Preoccupation with<br/>Risk</b>                   | <b>Driver 2<br/>Changing Political<br/>Economy</b> | <b>Driver 3<br/>Reactions to<br/>Miscarriages of<br/>Justice and<br/>Problematic<br/>Investigations</b> | <b>Driver 4<br/>Advances in<br/>Science and<br/>Technology</b> |
|----------------|---|--|---|--|
|                | Growth of legislation, regulation and guidance                    | Prioritisation of budget                           | Growth of legislation, regulation and guidance  | Scientific and technological changes                           |
| <b>CHANGES</b> | Increased volume of work  | Growth of civilian investigators                   | Scientific and technological changes  | Growth of legislation, regulation and guidance                 |
|                | Increased complexity of investigations                            |  | Changes to the composition of investigative teams   | Increased complexity of investigations                         |
|                | Professionalisation of training                                   |  | Increased delegation by the SIO   | Increased use of outside expertise                             |
|                | Professionalisation of interviewing                               |  | Professionalisation of interviewing   | Growth of civilian investigators                               |
|                | Importance of learning  |  | Importance of learning  | Increased volume of work                                       |
|                | Risk averse behaviour and attitudes                               |  | Increased complexity of investigations  | Increased delegation by the SIO                                |
|                |   |  | Increased volume of work  | Professionalisation of training                                |
|                |   |  | Risk averse behaviour and attitudes   |  |
|                | Changes to the culture and status of detective work <sup>34</sup> |  |   |  |

### **Conclusion**

This chapter has reminded the reader of the many ways in which homicide investigation in England and Wales has changed since the 1980s. It is clear that virtually no area of these

<sup>34</sup> Changes to the culture and status of detective work are considered to have been influenced by all four drivers of change, hence its placement here.



investigations has been untouched. Four key drivers of change were also presented. These emanated from the present study and the wider literature. However, the influence of homicide itself and other societal shifts have also played an important role in compelling change. In the chapter that follows the impacts of the multitude of changes are considered.

## **Chapter Ten**

### **The Impact of Four Decades of Change: Opportunities and Challenges**

In the preceding chapter the many changes to which homicide investigation in England and Wales has been subject to since the 1980s were outlined and drivers for these changes were presented. In doing so the first two research questions were addressed. In this final chapter the third research question is attended to as the impact of change is examined. These are the challenge of managing the masses of information that modern-day investigations generate, the increasingly risk averse detective and the diminishing status of the detective role. I then consider the evidence, which suggests that the status of homicide itself is changing as other crimes receive increased attention. Next, the broader outcomes of change are discussed as I contemplate whether it has had any bearing upon the homicide detection rate and the likelihood of future miscarriages of justice. I begin this chapter by reflecting upon some of the opportunities that change has offered.

#### **Opportunities**

Put rather simply, the detectives that were interviewed for this research were of the view that homicide investigation is better than it was in the past. Perhaps unsurprisingly, the reasons for this were often associated with advances in science and technology. According to the findings of the current study, developments in respect of science and technology have provided investigators with more lines of enquiry to pursue and allowed them to plot an individual's movements and create a clearer picture of what happened. For example, in one case the prosecution were able to show a jury the footage of a murder that had been captured on a mobile phone, prompting the defendant in the case to plead guilty. More generally, it was said that changes in science and technology have made investigations 'quicker and easier'. The benefits of changes in this regard are undeniable. As Stelfox (2009, p35) writes, these developments "provide investigators with sources of material that their predecessors could only dream of". The findings of the current study support this view.

This research also identified that detectives investigating homicide today are far more accountable than they were in the past, something that was largely attributed to the increased scrutiny that they are under from the media and the public, as well as the growth in legislation, regulation and guidance pertaining to their work. This was said to be a far cry

from the 1980s when they were, in the words of one detective, “*nigh on out of control*”. This increased accountability might also be considered responsible for another advantage of such change, that homicide convictions today are likely to be safer. It was suggested by those that I interviewed that we are unlikely to witness again the miscarriages of justice that came to light in the 1970s and 1980s. Similarly, Lewis (2009) argues that the various measures that are now in place to increase accountability have improved the likelihood that corruption or abuse of police powers will be avoided or uncovered. This study has shown that this might also be attributed to the shift in mind-set of detectives, which was reported to be such that getting the correct outcome is the aim, as opposed to merely arresting someone. It has also been found that safer convictions are a consequence of scientific and technological change, which has strengthened evidence, whereas reliance on confessions dominated historic investigations and in some cases led to miscarriages of justice (Poyser and Milne, 2011). As shown in the example on the previous page, developments in technology can sometimes show conclusively what transpired during a homicide. Cooper and Mason (2009) have also recognised the strength of such evidence, as pointed out in Chapter Three<sup>35</sup>. Although the findings of the present study suggest that miscarriages of justice are less likely, there is evidence that they do in fact remain a possibility, but in a different guise. As we will see later in this chapter, a report from the Criminal Cases Review Commission (CCRC) indicates that disclosure is responsible for most cases that they have received.

This study has also found that the changes that have emerged since the 1980s have, more broadly, made the investigation of homicide more professional than it was in the past. Stelfox (2009, pp640 – 641) writes that there is little agreement about what this term means, but explains that within the police service it is “shorthand for improved training and development”. This corresponds with the way in which the term was used during the present research and, in particular, it was said that the interview process and training of detectives had become increasingly professional.

### **Challenges**

Despite the positive picture that is presented above, there was ambiguity in the findings. Accordingly, I will now discuss some of the challenges that face today’s homicide detectives.

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<sup>35</sup> However, at the time of writing 10,000 cases were being reviewed after it emerged that data at a forensic laboratory had been manipulated, showing that science remains fallible (Devlin and Dodd, 2017).

I begin by assessing the issue of managing information, a problem that was evident in the 1980s, but does not seem to have been solved.

#### A Past and Present Problem: Information Overload<sup>36</sup>

Williams and Weetman (2013) highlight the lack of academic focus on the role that science and technology play in police investigations, noting that attention tends to be upon volume crime. The literature that is available, which was presented in Chapter Three, indicates that there is some disparity on this issue. For example, Roycroft (2007) suggested that forensic material contributed to the solution in 38% of homicide cases. On the other hand, Brown and Keppel (2012) found that whilst such evidence was important, it was not as important as other factors such as the victim-offender relationship, to solving the case. Further, Brookman *et al* (forthcoming) found that the mere availability of such evidence does not lead to the resolution of a case, but it is whether it is used effectively that is key. Clearly, there are mixed perspectives about the role of science and technology, so it is difficult to fully establish the role that science and technology play in homicide investigations and in resolving them. The present research has, however, helped to shed some light on this matter in finding that such advances do play a substantial role in investigations. This research has found that when cases do not produce any scientific or technological evidence they may flounder, such is the role that this evidence plays.

Although, as was discussed in the previous section, this research found that developments in science and technology have made investigations ‘quicker and easier’, a contradiction became apparent as it was also said to have made their work complex. One of the ways in which science and technology was said to have complicated investigations was in the management of information that an investigation will now generate. This is a view reflected in the literature and is referred to by Innes (2003, p246) as “information overload”. Vast amounts of information must now be processed and its validity and relevance determined.

There is recent evidence to suggest this concern is not unfounded and Her Majesty’s Inspectorate of Constabulary (HMIC) raised it in a recent report. In the previous year they found there to be delays in retrieving and examining data from digital devices (HMIC, 2017). Steps have been taken to improve this and police forces are looking to ensure that only relevant equipment is retrieved from a crime scene to avoid backlogs (HMIC, 2017). Whilst

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<sup>36</sup> Information overload was originally coined by Innes (2003).

the report does not mention whether this is the case with homicide investigations, it is indicative of the challenges that are being faced as a consequence of technological advances. It is also further evidence that today's detectives have to make difficult decisions around the testing of exhibits, which corresponds with the findings of the current research. Information management is not a new concern. This was a fundamental issue identified in the Yorkshire Ripper investigation over 30 years ago. However, it has been identified as a recurrent problem both by this research and public inquiries (HMIC, 2017; Roycroft, 2008). This matter becomes increasingly pertinent as technology continues to change and develop, and is heightened when we consider the finding of the present research that the police service is struggling to keep up with its developments.

### The Loss of Traditional Detective Skills

The relationship between detective skills and the prevalence of scientific and technological techniques also warrants further consideration. As discussed in Chapter Three there is discrepancy within the literature on this issue (Allsop, 2012; McCartney, 2006). Furthermore, Brookman *et al* (forthcoming) explored what factors lead to homicide cases being solved in the UK and the US. The detectives in their study also reported that there was an over-reliance on science and a diminishing of other skills as a result (Brookman *et al.*, forthcoming). Additionally, in Chapter Three it was noted that the growth in the numbers of individuals that own a mobile phone has been significant and social networking has grown at an unprecedented rate. Therefore, the way in which detectives communicate has had to change because the way in which society communicates has changed dramatically across just the last 10 years as a consequence of social change (Brady and King, 2017).

The findings of the current research also indicate that there is some inconsistency on this matter, but it was widely believed that traditional skills have diminished. However, although my participants reported that today's detectives are not as good at speaking to people as they were historically, the loss of skills was discussed more generally and often in respect of the growing influence of science and technology. In particular, the findings show that the retrieval of DNA from a crime scene often helps to ensure a fairly early resolution to an investigation, whereas in the past this type of evidence was not available to detectives and so they would have to utilise other investigative methods. These methods might include house-to-house and speaking to witnesses. In addition, this study found that SIOs can be focussed upon lines of enquiry pertaining to science and technology at the cost of other avenues. For

example, in Chapter Seven one detective described a case in which the SIO was certain the resolution for a particularly violent homicide would come from scientific evidence and focused primarily on this, but it did yield any useful results. This corresponds with the findings of McCartney (2006). This tunnel vision was evident in historic investigations, including the Yorkshire Ripper case, and changes have been made to avoid such approaches. The CPIA 1996, for example, stipulates that investigators must pursue all lines of enquiry.

There is research to suggest that the majority of homicide cases are resolved quickly and because of information that is provided to the police as opposed to investigative work (Brodeur and Dupont, 2006). This would suggest that any diminishing of detectives' communication skills would not be wholly detrimental to investigations. However, the role of communication skills is surely still vital in elucidating that information and feeding it into the investigation. Indeed, several interviewees commented that house-to-house remains as important today as it did in the past. Therefore, any loss of these skills will potentially hinder investigations. Further, Brodeur and Dupont (2006) argue that in cases where the suspect is not swiftly identified investigations will often flounder. Arguably then the loss of communication skills could prove detrimental to protracted investigations.

It was noted in Chapter Two that there has been a lack of academic research on detective skills. The current research provides additional evidence that this needs to be addressed. If the skills required to be an effective detective are not fully appreciated, the implications that might derive from a loss of skills cannot be fully understood.

### The Risk Averse Detective

The consequences of the focus on risk and the efforts to manage it have been found by this research to be significant and risk aversion became a prominent theme. The issue of risk aversion became apparent when the interviewees discussed what they perceived to be an increase in bureaucracy. They explained that this has led to feelings of risk aversion, such are the consequences when 'something goes wrong' during an investigation and a reluctance to think creatively. This can be further understood when we take into account the view that the scrutiny that comes with a preoccupation with risk "carries with it the spectre of blame" (Kemshall 2003, p12) and the need to hold someone to account when something goes wrong.

It is important here to consider what bureaucracy means. In the context of this research bureaucracy refers to the processes and procedures that now make up a significant part of the

investigative process and which appear to be an added source of pressure and additional work. Although there are certainly positive aspects to bureaucracy, the detectives often spoke of it with negative connotations attached and in ways that indicated that it was a burden to them. For example, they described the layers of bureaucracy involved when they need to examine a suspect's phone, which could take a considerable amount of time. A similar perspective is evident in the research of Westera *et al* (2016) in their study exploring the challenges to detectives being effective in the future. Based on research conducted in Australia and New Zealand, they also found that detectives were concerned about increasing bureaucratic processes that have been implemented in a bid to ensure accountability, avoid risk and to measure performance (Westera *et al.*, 2016). There are clear similarities between these findings and those of the present research.

As we saw in Chapter Two, issues of risk and bureaucracy were identified in 2008 when a review of policing was requested by the then Home Secretary in response to concerns that policing had become overly bureaucratic. Led by Sir Ronnie Flanagan it “identified risk aversion as a primary cause of bureaucratic processes” (Heaton 2011, p79). The report identified two triggers that impact upon the way in which processes have been designed:

1. Internally – a ‘just in case’ mentality, which leads to every process being designed to the worst case scenario without regard to how it will be handled by thousands of officers on a day to day basis.
2. Externally – a public approach, vocalised by the media and politicians that this ‘must never happen again’ – which results in the same outcome. (Home Office 2008, p52).

This suggests that risk aversion across the police service leads to the implementation of top-down bureaucratic procedures. However, the detectives in the current study explained that these bureaucratic procedures have made *them* increasingly risk averse and spoke of being nervous of stepping away from the processes. Thus, it seems that the response to the police service's aversion to risk has created risk aversion amongst those directly affected by new procedures. In a further indication of the prevalence of risk, the report also states: “over recent years we have started to see an even more insidious extension: the expectation that the service should have anticipated events and incidents that are well beyond their control” (Home Office 2008, p52).

Turnell *et al* (2013, p200) write of similar responses to the deaths of children who were known to social services with the phrase “lessons will be learned” often dominating

discussions. With scant literature concerning these issues in respect of the investigation of homicide, it is useful here to briefly consider what the literature around responses to child deaths can tell us. Munro (2010, p1146) draws on the work of Hood *et al* (2001) in arguing how one response to reducing risk in child protection is that of “introducing more and more detailed formal procedures setting out the ‘correct’ way to deal with a case in steps that can be readily performed and measured”.

This is reminiscent of the steps that have been taken towards professionalising investigations and in response to miscarriages of justice, such as the introduction of the MIM. Further, Munro (2010, p1146) writes that the purpose of such an approach allows the “defence of ‘due diligence’ if a tragic outcome occurs. Senior management can demonstrate how their staff followed all correct procedures in working with the case and therefore cannot be blamed”.

This stance is reflected in the findings from my research, which illustrated that detectives will make reference to documents such as the MIM within homicide case files to support decisions that were made. This arguably links to the concept of defensible decision-making. Carson (1996) as cited by Kemshall (2009, p333) defined defensible decisions as those “that will withstand the harsh scrutiny of hindsight bias in the event of risk failure”. The notion of defensible decision-making during homicide investigations is evident in earlier research. Maguire and Norris (1992, p66) revealed that detectives had been sceptical about the introduction of the Policy Book, fearing that it would be used to “hammer them into the ground when the inquiry went wrong”. However, despite this initial scepticism they came to see the positives of its introduction as it “made the SIOs think more carefully about their decisions and the justifications for them. If the decisions turned out to be wrong, as long as the justification was rational there was no cause for recriminations” (Maguire and Norris 1992, p66).

More than 20 years after this research was carried out it is clear that whilst documenting decisions remains useful for SIOs, the point that a strong rationale will mean that there are no recriminations should errors be made is no longer certain, since it is these elements of an investigation that might be the focus of the defence:

Adherence to procedural requirements and justification of policy decisions are usually what an SIO gets cross-examined on in court proceedings (i.e. also known as ‘trial by policy decision’), whereas historically cross-examination used to focus upon the honesty and integrity of detectives’ activities and behaviour. (Cook and Tattersall 2010, p18).



This is something that was reported by the detectives in this research. However, the QC that was interviewed reported that in his experience it was unlikely that this would be a major focus of the defence, but that he had also found that this is something that detectives are particularly nervous about.

Munro (2010, p1147) also argues that the defence of due diligence, whilst helpful for the individual as it is their ‘cover’, will lead them to “opt for the safer route of following procedures, however inappropriate they may seem in a particular case”. This brings us to the delicate balance between detectives using individual skills and initiative whilst ensuring that they are working in accordance with the relevant legislation and guidance. The findings of the literature outlined above mirror the detectives’ views that bureaucracy will lead risk averse detectives to take the path of least resistance. This raises the question of whether the tendencies of some detectives to rigidly follow processes might impact upon their ability to successfully investigate hard to solve homicides, or what Innes (2003) terms ‘whodunits’, where detective skills are seen to be particularly crucial.

Kemshall (2003) writes that the use of systems and audits in controlling risk replaces trust in professionals. This somewhat corresponds with the Home Office research on increased bureaucracy in policing that was mentioned earlier, which found that new processes are often implemented because of a ‘just in case’ mentality (Home Office, 2008). It is perhaps unsurprising that the findings of the current study illustrate a reluctance by individuals to step outside of those processes because of the resulting risk aversion. This is despite the fact that the SIO Handbook stresses that “creativity and innovations” should be encouraged and that “finding legal solutions to legal problems is a key skill for an SIO” (Cook and Tattersall 2010, p12). It could therefore be argued that there exists a tension between using creativity and following processes that is potentially exacerbated by aversion to risk. There is, however, evidence to the contrary. As presented in Chapter Three, Innes (2003) found that although homicide detectives placed a significant degree of importance upon scientific and technological tools, the art and craft elements of detective work were apparent when they were investigating more complex cases. On these occasions they would adopt innovative and creative approaches. This suggests some disparity between the current research and others examining detective work. Clearly the role that science and technology plays in investigations requires further exploration.

The disparity in the findings of the present research and that of Innes (2003) might be attributed to the 14 year gap between them, as the concerns mentioned by the former and serving detectives in the current research are evident in more recent work. Examining the role of flair in major crime investigation, Fox (2014, p13) also found that some detectives viewed the MIM as providing a “prescriptive list of activities” that had to be followed. Further, he found that “several respondents held the view that the existence of national police guidance might create a ‘tick box’ mentality or even risk averse mentality amongst police investigators” (Fox 2014, p13). Fox (2014) acknowledges that this was not the intention of such guidance, but that these findings resonate with those uncovered in the current study suggests this is the message that investigators today are receiving. Arguably, changes of this kind have disempowered the homicide detective and as such they feel that they should closely follow guidance, rather than use it as just that – guidance.

The matters discussed here might be linked with what Brookman and Innes (2013, p2) term ‘procedural accountability’, whereby “detectives can demonstrate to others (both inside and outside the police) their compliance with official guidance”. Their work exploring what constitutes a successful homicide investigation identified four definitions of success, including ‘procedural success’. Their findings are reminiscent of what has been found within my research as they explained that conducting a proper investigation is a key objective: “compliance with legal procedures and official guidance was a prominent feature of detective talk and the ways in which they explained and justified many of the decisions they took” (Brookman and Innes 2013, p9).

Explorations of organisational behaviour suggest that history has an impact upon the way in which decisions are made, which may help to explain some of the ways in which decisions are now made during an investigation since the police service have been heavily criticised over the years for the way in which numerous homicides were investigated: “decisions aren’t made in a vacuum; they have a context. Individual decisions are points in a stream of choice, those made in the past are like ghosts that haunt and constrain current choices” (Robbins and Judge 2008, p121).

Risk aversion might be a consequence of detectives being aware of times in the past when things have gone wrong, leading to inquiries and major change. This might be making them overly cautious in their conduct, lest they make a mistake and become the subject of a future inquiry and the focus of the significant media attention that would undoubtedly follow.

Indeed, it is telling that many of those interviewed in the present research stressed that despite the increased regulation of investigative work, it would never fully eradicate human error. Relatedly, they felt that it is important to maintain perspective when errors are made and in ensuring that any subsequent change is approached with caution. The introduction of increased legislation and guidance has in many respects been helpful to those investigating homicide in England and Wales. However, responses to high profile and highly criticised cases clearly warrant review for they raise questions around the proportionality of responses. This has been considered in respect of major accidents. Hutter and Lloyd-Bostock (1990) found that major accidents generate significant changes whilst more routine errors are often overlooked. Similarly, Innes (2003) explains that actions that could be deemed ‘compliance drift’ are often overlooked with focus being upon major failings in criminal investigations. The findings of this research have revealed that increased bureaucracy is continuing to create pressure for detectives and it might be argued that this could lead to the bypassing of procedures that could, in turn, culminate in an increase in serious failings in major crime investigations.

An additional perspective should also be recalled at this stage, which is the view that although there has certainly been an influx of legislation since the 1980s, there are examples of safeguards established by PACE being “diluted” and police powers enhanced (Reiner 2010, p27). Therefore, change is not one-way and whilst certain changes have endeavoured to improve accountability, subsequent changes have seemingly lessened its impact. Nevertheless, the findings of this research show that changes in this area created a tangible feeling of risk aversion amongst the homicide detectives that were interviewed.

### The Diminishing Status of the Detective

The status of the detective and detective culture has seemingly changed significantly over the last four decades. The findings of this research suggest that the prestige once associated with the position has diminished and it no longer holds the kudos that it did in the past. It has also been said that today’s detective is more concerned with achieving a work-life balance than being seen to work the longest hours before going to the pub. Perhaps tellingly, it is now seen to be ‘just a job’ not a ‘job for life’. What might be considered the more positive changes in this area are the changes to the SIOs mind-set, the fact that they are no longer feared and the increase in female detectives. Given the extent of the developments that

homicide investigation, and policing more broadly, has been subject to it is perhaps unsurprising that this has led to changes in the detective culture and status.

The current study has found that the repercussions of changes to detective culture and status are signified in the difficulties that many police forces are experiencing with recruiting detectives. Although they did not look at homicide detectives specifically, James and Mills (2012) also found that this to be an issue for detectives. The recent findings of the HMIC are further evidence. Their 2017 report highlights that there is a “national crisis in the service in the severe shortage of investigators, such as detectives” and that some forces do not have enough qualified investigators with “little, if any, capacity for forces to assist one another through the temporary loan of detectives of other investigators where this is necessary” (HMIC 2017, p12). More recently, the Metropolitan Police wrote to retired detectives to ask if they should return to help address the shortage while the aftermath of recent terrorist attacks and the Grenfell Tower fire disaster is managed (Brunt, 2017). This corresponds with the findings of my research. The participants of several forces in both England and Wales reported difficulties with the recruitment of detectives.

Although the HMIC report does stress that the performance of police forces in England and Wales is ‘good’ overall, the possible ramifications of a lack of detectives for the investigation of homicide is clear. This is compounded when we consider the finding that SIOs will now spend several days negotiating for staff to come and assist on a murder investigation due to shortages. It is common practice for smaller forces to use ‘mutual aid’ if they do not have the necessary resources to investigate a major incident or event, anticipated or otherwise (National Police Chiefs’ Council, 2016). This was used in the investigation into the disappearance of April Jones in Machynlleth. The investigation was significant, particularly for a smaller force such as Dyfed Powys, and so other forces were called upon to assist under mutual aid agreements. Shortages in the numbers of detectives might make this a difficult task in the future.

There is clearly evidence that police services across England and Wales are struggling to recruit detectives. Although it is difficult to definitively say why this is happening, it seems that the way in which the role itself has changed has played a part. The interviewees discussed the struggle with detective recruitment as a consequence of the loss of status associated with the role, alongside other factors. This has also been raised by the HMIC. The HMIC (2017) put forward a number of reasons for the shortage, which included

problems with work schedules, pay, a lack of mentor support and the pressure that they would come under should an investigative failure occur. Indeed, several serving detectives in the present research questioned why someone would want to become a detective when they could be a uniformed officer who is paid overtime and not subject to the pressures that face detectives. James and Mills (2012) found that the role of the detective is now unattractive when compared to other positions in the police service, where a work/life balance can be achieved. Further, their participants also believed that the pressure that comes with being a detective makes it an unattractive prospect. The findings of my research suggest that this is also the case for homicide detectives.

Ironically, one of the ways in which the police service are attempting to tackle the issue of detective recruitment could diminish the detective status further, for it involves the introduction of direct entry for detectives. In 2016 the Metropolitan Police Service allowed volunteer officers who had 6 months service the opportunity to apply to become detectives (Weinfass, 2016). In 2017 this was extended as civilians with degree qualifications, in any subject, became eligible to apply and the Metropolitan Police hope to recruit 160 individuals (Weinfass, 2017). Moreover, Thames Valley Police and Suffolk Constabulary have introduced direct entry (Weinfass, 2017b). The findings of this research were that exposure to investigations was key to becoming an efficient detective, despite the improvements that have been made with the introduction of PIP (see also Smith and Flanagan, 2000). According to those interviewed, it is not possible to train someone to quickly become a detective and that the two-year probation period that civilians will be required to undergo will be insufficient (Weinfass, 2017). Similarly, Brookman *et al* (forthcoming) also found that experience was an important factor in being able to solve a homicide. The findings of the present research that many detectives were unsure about the use civilian investigators would also suggest that direct entry is not appropriate. Ensuring exposure to investigations, alongside formal training, would therefore need to be a key aspect of training direct entry detectives, particularly as recruitment has now moved beyond the police service. It is increasingly likely that the future detective will look quite different to even current detectives and, indeed, markedly different from those of the 1980s.

#### Diminishing Resources and New Priorities

Earlier in this chapter it was acknowledged that we are living in times of austerity and significant cuts to public services, including the police, have taken place in recent years. It is

therefore important to recognise that concerns around resourcing of the police and other emergency services<sup>37</sup> are gaining traction at the time of writing and to consider the possible consequences for homicide investigation.

These concerns have grown after several terrorist attacks occurred in London and Manchester across a short space of time. There are reports that the government is considering changing the police funding formula, which would have affected larger forces with more money going to smaller forces. This potential change is connected to the terrorist attacks and in response to warnings from the Metropolitan Police Commissioner that they cannot endure further cuts (Toner, 2017). It is possible that responses to growing concern about terrorist attacks might in reality prove detrimental to the funding of homicide investigations as terrorism moves higher up the agenda of the government, police and public. For the detectives that I spoke to, investigating homicide was seen as the ‘ultimate’ and we have seen here that it holds a particular status amongst the public. However, as apprehension grows about terrorism it is possible that the status of other forms of homicide might shift. Indeed, several detectives remarked on the growing importance of other crimes when discussing changes to the resourcing of homicide. It is not just concerns about terrorism that might lead to a change in the status of homicide, there are other crimes that come to the fore and demand resources. For example, one police service has moved detectives from working on homicide to working on cases of historic child abuse, another crime that has been at the centre of significant public attention and concern (Police Service Communication). Additionally, in June 2017 a teenage girl was murdered in what the police described as incredibly rare circumstances. Although the details are as yet unknown this type of homicide would usually receive quite significant media attention. However, this was not the case. This might be the result of the London Bridge attacks on 3<sup>rd</sup> June 2017 and the Grenfell tower fire on 14<sup>th</sup> June 2017. Although anecdotal this might be a further example of the changing status of some forms of homicide as other crimes move higher up political and public agendas.

The preceding sections have considered the impact of change on the frontline - on investigative practice and the detective. It is useful to now take a step back and consider the impact of change from a broader perspective. Whilst there is not the scope to fully explore this, it would amount to a glaring omission of the present research to explore change and its impact, without at least briefly speculating as to whether it has had any bearing upon the

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<sup>37</sup> In particular, concerns around the resourcing of the fire service have been raised following the Grenfell fire disaster in London in June 2017.

homicide detection rate or the likelihood of future investigative errors and miscarriages of justice.

### The Obstinate Detection Rate

Although it can be argued that merely looking at the detection rate provides an inadequate measure of the efficiency and effectiveness of homicide investigations, it is an important consideration in light of the very high expectations that the public have of the police when they are investigating homicide (Stelfox, 2015). This is also one of the ways in which the police themselves measure performance in this area (Brookman and Innes, 2013). The numbers of homicides committed in England and Wales are amongst the lowest in the world (Brookman *et al.*, 2017b). In the year ending March 2016 there were 571 cases of homicide recorded in England and Wales (Office for National Statistics (ONS), 2017). A frequently used figure quoted by the participants regarding the numbers of homicides that are solved in England and Wales was ‘around 90%’. A review of the literature supports this. Brookman *et al.* (forthcoming) found that the homicide detection rate has been around 90% since the 2000s. However, the detection rate has declined from an average of 94% during the 1960s (Brookman *et al.*, forthcoming)<sup>38</sup>. A detection rate of ‘around 90%’ is high, which is possibly why it has not been subject to much discussion. In addition, the majority of homicides are classed as ‘self-solvers’ (Innes, 2003) where the perpetrator is quickly identified (see Brodner and Dupont, 2006 for similar results in Quebec), which might also explain the lack of critical attention to the detection rate.

However, the question that arises is: why, despite all the developments that have occurred, which have aimed to improve effectiveness and that have, according to the data, generally been positive in their impact, have we not seen an improvement in the detection rate? The findings of this research might provide some explanation. It has been established that risk aversion is such that some detectives feel unsure of using intuition or creativity, which presents the possibility that difficult cases, which might require such an approach to move them forward, might be compromised. It has also been found that advances in science and technology have led to the weakening of what are considered traditional detective skills and science and technology sometimes relied upon to the exclusion of other avenues. It was also said that consequently when cases do not feature some aspect of scientific or

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<sup>38</sup> Interestingly, the homicide rate in the USA has declined significantly and is around 65% (Brookman *et al.*, forthcoming).

technological evidence, it can be difficult to progress them. It is possible that this might help us to explain the detection rate, particularly since several cases in which these problems were present were cited in this research and which remain unsolved. These issues are arguably compounded by the concerns that were raised around detective training. Although it was agreed that training had improved in many respects, it was believed that exposure to investigations remains the most important part of detective training. However, it was also reported that budget cuts have meant that opportunities to release officers from BCUs to experience major crime investigations have been reduced. There has been little evaluation of PIP (James and Mills, 2012; Tong, 2009) and so the findings of this research are further indication that this should be addressed for the identified shortcomings in training are potentially influencing the detection rate. Additionally, the shortage of detectives has been identified by both existing literature and the current research, and it is possible that this is having a detrimental impact upon whether or not investigations are progressed.

It is difficult to definitively say why the detection rate has remained rather static and there are undoubtedly other factors that will affect it, but it is reasonable to surmise that the challenges that have been identified in the current study are playing at least some part in encumbering the detection rate. Ultimately, although the detection rate is certainly high, the findings of this research suggest that there is no room for complacency and that we might well see improvement if the concerns that have been raised here are tackled.

### Have Lessons Been Learned?

If, as the detectives and the literature suggest, investigative errors or miscarriages of justice are often an important root of change, it is necessary to consider the extent to which such change has reduced the likelihood of these problems arising again. The general view of the participants was that we are unlikely to see the level of occurrence of miscarriages of justice that we witnessed in the past because of the changes that have been made. For example, the changes that have taken place have increased accountability, which will have reduced the chances of such occurrences. However, there is also evidence to the contrary and it would be remiss to not consider this.

Investigative errors continue to be made. At the end of 2016 the Independent Police Complaints Commission (IPCC) began an investigation into the police handling of the murders of four men in London. Although Stephen Port was ultimately convicted, concerns



were raised about failures to identify the deaths as homicides and link them. It has been suggested that institutional homophobia was a factor in the shortcomings of this investigation, raising questions about how far mind-sets have changed (Tatchell, 2016). Although investigative errors can be distinguished from miscarriages of justice, the two are undoubtedly interlinked since errors can lead to miscarriages of justice.

The Criminal Cases Review Commission (CCRC) Annual Report for 2015/16 states that over the year they had seen a “steady stream of miscarriages of justice” (CCRC 2016, p11) and that over the last three years they had seen an increase of approximately 50% in the number of applications that they received. 22% of these referrals were for homicide convictions. Although the CCRC does not provide much detail about the cases that they have dealt with, what they do report shows that the cases that have been referred to the appeal courts are relatively recent; for example, two homicide cases were from 2000 and 2006. The grounds for referral for both include concerns around disclosure of evidence. That these cases were subject to modern-day investigative processes suggests that they are by no means infallible. The findings of the current research also suggest that disclosure in homicide investigations demands further attention. It was described by one detective as a “*new battleground*” and concerns arose about the way in which this is managed. Additionally, as was outlined in Chapter Two, Roycroft (2008), in a review of 40 years of public inquiries into murder investigations, found that the same problems arise repeatedly, including issues around leadership, the skills of the SIO and information management. This too raises questions as to how far the police, despite changes being made, learn from such cases and, pertinently, about the efficacy of the changes that have been made over the last four decades.

### **The Research Questions Revisited and Future Research**

Since the 1980s the investigation of homicide in England and Wales has changed significantly. The extent of change has been such that almost every facet of investigation has been transformed and there have been significant developments in respect of the scientific and technological tools that are available, the legislation, regulation and guidance governing investigations and investigators, the way in which investigations are run on a day-to-day basis, as well as changes to the culture and status of the homicide detective and detective work.

Explaining why these changes have occurred is difficult for the present study has shown that the police are vulnerable to numerous influences, at a societal and organisational level, which have played some part in shaping homicide investigation. Although my interest in examining changes from the 1980s was prompted by the view within the literature that the Yorkshire Ripper case and Byford Inquiry marked the start of significant reform (Brain, 2010; Innes, 2003), the picture is more complex and attributing change to one case does not reveal the full story. This research has identified that changes to the investigation of homicide have been driven by a preoccupation with risk, the changing political economy, reactions to miscarriages of justice and problematic cases and advances in science and technology. This corresponds with what the literature reveals to drive changes in policing more broadly and in other organisations. However, it has also been acknowledged that the status of homicide is such that the public hold high expectations of the police in terms of how these crimes are investigated, which is also responsible for propelling change forward. It is therefore proffered that explaining change necessitates an integrated approach. Ultimately, the greatest challenge for the police perhaps lies in achieving a balance between moving along with society, pacifying calls for action when something goes wrong to reassure the public and restore legitimacy, and maintaining perspective and proportionality when deciding what course of action to take.

This research has found that whilst there has been significant progress, change has brought new challenges and, perhaps most importantly, not led to an increase in the detection rate or the end of miscarriages of justice. Furthermore, a shortage of detectives has been identified, which has been reflected in other literature and recent media accounts. The implications for the future of homicide investigation are significant. Further research is needed, firstly, to fully understand why becoming a detective appears to be a less appealing prospect than in the past. Direct entry has been introduced partly in response to this shortage, but the widespread belief amongst detectives in this study was that a background in investigations in a policing capacity is important to being able to work on homicide investigations. Therefore, direct entry might not be the solution that is needed. Secondly, this research and the wider literature reveal continued concerns around the level of bureaucracy in homicide investigation and policing generally. The resultant risk aversion has also been recognised. Indeed, this is considered one explanation for the aforementioned shortage of detectives. It is suggested that a review of the processes and procedures is necessary to identify whether there exists ‘burdensome bureaucracy’. The detectives in this research were not always specific about

which processes and procedures were onerous, so a closer look at what exactly is considered to be problematic and unnecessary during the course of a homicide investigation is needed. Thirdly, this study has shown that the way in which teams are brought together has changed, but that there exists considerable variation across the police service. It has been revealed that there are concerns about drafting in officers to assist core teams, the use of civilian investigators and concerns that some are being reduced in size because of budget cuts. Although there is a general model by which homicide investigation teams are set-up and run, the current issues with budget and the disparity render the make-up of homicide investigation teams in need of further attention. This would help to identify and understand the challenges being faced.

### **An End Note**

The central aim of the present research was to explore change and the detectives sometimes demonstrated differing views on the subject of change. I end this thesis by revisiting the one question on which there was resounding agreement. That question was: what was/is the most rewarding part of being a detective working on homicide investigations?

*“It’s dealing with families of murder victims, it is such a privilege” (FD 9)*

*“I do draw an awful lot of satisfaction from engaging with families...what I can do is bring the case to a conclusion where they are happy that that’s the right conclusion and justice has been done” (SD 13)*

Clearly for detectives, past and present, helping the families who have lost a loved one to murder and bringing the offender to justice remains the most rewarding part of investigating homicide, showing that some things have not changed.

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## **Appendix One**

### **Pilot Interview Schedule**

#### Background

Could you please tell me about when you first joined up as a police officer, when this was and a little bit about your career? (*Length of service, how long did you spend as a detective, how long did you spend investigating homicide/other major crimes?*)

Approximately how many homicide investigations were you involved with?

In what capacity were you involved with these investigations?

How was homicide investigated during your career? (*What were the main lines of enquiry? How were the teams/staff that were involved organised? What 'rules' guided you? What was the perception of 'rules'? Were 'rules' followed strictly? Did particular 'rules' have different levels of adherence? What worked well in investigations? What did not work well in investigations? What were the major challenges in investigations?*)

#### Change and investigations

During your career what changes occurred in the investigation of homicide and when did these occur?

Why did these changes occur?

Did these changes happen quickly or over time?

What impact do you think these changes had? (*Upon investigations generally, upon the officers involved etc*)

Have the changes to the investigation of homicide impacted differently on different types of murder investigations? How?

#### Change and training

What has been the impact of changes to homicide investigation upon the training of officers?

Did you ever read the Murder Investigation Manual and any other key documents pertaining to the investigation of homicide? (*If not, why not? Were they any good?*)

*Did they assist you? Are such documents/guidance readily available to those involved in homicide investigations? Are they widely used?)*

Do you think the training now reflects the changes that have occurred to the investigation of homicide when we consider the advancements in forensics and technology, and any other changes?

### Change and the Detective

Do you think that there are certain ‘key skills’ that you must possess in order to be a detective? *(What are they? Why these?)*

Tell me about the best detective you ever worked with and why he or she was so good?

Tell me about the worst detectives you ever worked with and why he or she was so good?

How do you see detective work in the future?

Thinking about all the changes that have occurred to the investigation of homicide, do you think the process that is in place now is better than it was before the changes came into place? *(How? Why?)*

Is there anything else that you would like to add that you think I should know?

### Pilot Interview Feedback

Are there any questions that you think I could add to this schedule?

As this is a pilot interview, I’d welcome any feedback about this interview.



## **Appendix Two**

### **Research Overview**

I am a second year PhD student at the University of South Wales being supervised by Profs Fiona Brookman and Mike Maguire. I am completing a PhD in homicide investigation and my research is centred upon charting the process of homicide investigation and looking at how/why it has changed over the years and the impacts of these changes. To move forward with my research, I am hoping to conduct interviews with both former and serving detectives about their experiences of homicide investigation in order to explore these ideas further. I am particularly interested in the process of homicide investigation and the changes to it, I will not be asking participants to divulge specific case details and outcomes. I am hoping to record these interviews, but can take handwritten notes if that is preferred. Confidentiality is of course assured. If you think you might be interested in taking part, please email me and I can provide you with further details: [Sophie.Pike@southwales.ac.uk](mailto:Sophie.Pike@southwales.ac.uk). Thank you.

## **Appendix Three**

### **Interview Schedule for Former Detectives**

1. Background

Can you tell me a little bit about your background and how and why you became a detective? (*When did you join the police? Why? When did you become a detective? Why?*)

How did you spend as a detective?

Approximately how many homicides have you investigated?

In what capacity were you involved in these investigations?

2. The key moment of change during your career

What would you consider to be the key moment of change to the investigation of homicide investigation that occurred during your career? (*Why this? What prompted this change? Did this change occur quickly or over time? What was your initial reaction? What impact did it have? What do you think now? Has this change made the investigation of homicide more effective? How?*)

3. Homicide investigation during your career

Could you tell me about the first and last homicide investigation that you were involved with? (*When were they? What were the key differences? What worked well? What did not work well? What were the main lines of enquiry? How were the teams/staff that were involved organised? What 'rules' guided the investigations? What was the perception of 'rules' during the investigations? Were they followed strictly? Did particular 'rules' have different levels of adherence in these investigations?*)

Did you ever read the MIM (if applicable) or any other documents pertaining to the investigation of homicide? (*Were they useful? Were such documents/guidance readily available during investigations?*)

Did you ever call upon experts outside of the police service for assistance in investigations? (*Who? Why? What were the difficulties? What were the benefits?*)

What were the pressures that you experienced during investigations? (*Media, financial, staffing*)

What worked well during homicide investigations? (*Why?*)

What did not work well during homicide investigations? (*Why?*)

4. Change and training

How do you learn to be a detective?

How was experience and knowledge shared during your career?

Did you ever undertake any specific training for homicide investigation? (*What did this entail? How effective was it? How? Why? In what way would you have changed it?*)

What was the impact of change upon the training of detectives? (*Did the training itself change? How? Did training become a more regular occurrence over time?*)

With the availability now of degree courses focused on policing, do you think this sort of educational background is important for a new detective? (*Why?*)

What impact do you think this will have on the type of detectives we will see in the future and on investigation? (*How? Why?*)

5. Change as reaction

When changes have occurred as a result of failed investigations and resulting public inquiries (e.g. Byford and Macpherson) how do such changes filter down?

What is your opinion of change that occurs as a reaction to such cases /inquiries?

Why do you think change is the response?

When change occurs as a result of investigations into complex cases (or ‘whodunnits’) does this effect that way in other homicides, domestic cases for example, are investigated? (*How? Why?*)

6. Change, science and technology

What were the major advancements in science and technology that occurred during your career?

Did the role that science and technology play change during your career? (*How? Did it become more prevalent? Were certain techniques used more often?*)

In what ways does the use of technology and science aid/hinder the investigation of homicide? (*How?*)

What is the 'relationship' between the use of science and technology and what might be considered 'traditional' detective skills? *(Do they complement each other? How? Why? Do they clash? How? Why?)*

7. Change and the detective

Do you think that there are certain key skills and attributes that you must possess as a detective? *(What are they? Why these?)*

Do you think that the key skills and attributes required of a detective today differ to those required in the past? *(How? Why?)*

Some academics talk about the 'art craft and science' of detective work. In your experience, which would you say represented detective work as it was during your career? *(Would you say that this is the same for detective work today? Would you categorise detective work in an alternative way?)*

In Swindon in 2011, an SIO breached PACE when a murder suspect offered to lead police to the body of another victim. Whilst the second body was recovered, the suspect was not charged with that murder due to the actions of the SIO. The judge accused the SIO of returning to a 1970s style of policing. What do you think about this case? *(What do you think of the judge's comments? Despite his actions, do you think the SIO achieved a successful outcome?)*

Tell me about the best/worst detective you ever worked with and why he or she was so good/bad

What did you like most/least about being a detective? *(Why?)*

What did you find the most rewarding part of being a detective? *(Why?)*

If you were a police officer today, would you still want to become a detective? *(Why? Why not?)*

What would your words of advice be to a new detective starting out today?

8. Finally...

Thinking about the changes that have occurred during your career, do you think that ultimately the investigation of homicide is now better than it was before? *(How? Why? Why not?)*

Is there anything else that you feel would be useful to this interview that has not already been mentioned?

Would you be able to recommend any other former detectives who might be willing to be interviewed as part of this research?

Would you be able to recommend any other materials/documents that you think might be useful to this research?

## **Appendix Four**

### **Interview Schedule for Serving Detectives**

1. Background

Can you tell me a little bit about your background and how and why you became a detective? *(When did you join the police? Why? When did you become a detective? Why?)*

Approximately how many homicides have you investigated?

2. The key moment of change during your career

What would you consider to be the key moment of change to the investigation of homicide investigation that occurred during your career and why? *(Why this? What prompted this change? Did this change occur quickly or over time? What was your initial reaction? What impact did it have? What do you think now? Has this change made the investigation of homicide more effective? How?)*

3. Homicide investigation during your career

How are the teams brought together for a homicide investigation? *(How well does this work? What are the strengths/limitations to this approach?)*

What role do documents such as the MIM/MIRSAP play during the investigation of homicide? *(Are they useful? Are such documents/guidance readily available during investigations? Are there any other ways in which you can get information/help during an investigation?)*

How are experts outside of the police service used during the investigation of homicide? *(Who? Why? What are the benefits and limitations of using outside expertise?)*

How does the SIO keep a grasp on all the information that a homicide investigation generates? *(What are the strengths and limitations of this?)*

What are the main pressures that you experience during a homicide investigation and what impact do these have? *(Media, financial, staffing)*

What works well during homicide investigations today? *(Why? Has this changed during your career?)*

What does not work well during homicide investigations today? (*Why? Has this changed during your career?*)

4. Budget and the investigation of homicide

How is the budget of a homicide investigation managed? (*Has this changed during your career? Why?*)

What, if any, are the difficulties that surround budget management of homicide investigations?

Is there are a particular area of homicide investigation that requires the most budget? (*Why?*)

Do you think homicide investigations are becoming more expensive? (*Why? Why not?*)

How much of the policing budget is allocated to the investigation of homicide? Do you think this has changed during the course of your career?

Is homicide investigation still seen as a priority within policing today? (*Has it been superseded by other crimes?*)

5. Civilians and homicide investigation

What role do civilians play in homicide investigation today? Is this something that you have seen change during your career?

What are the strengths and limitations of employing civilians in the investigation of homicide?

6. Change as reaction

Change often occurs as a result of failed investigations into complex and protracted cases and their resulting inquiries (e.g. Yorkshire Ripper, Stephen Lawrence). What is your opinion of change that occurs as a result of such cases /inquiries?

Why do you think change is the response?

7. Change, science and technology

What major advancements in science and technology that are relevant to homicide investigation, have occurred during your career? (*What impact has this had on investigation?*)

*What role does science and technology play during homicide investigations today? (Are certain techniques used more often than others? Why these?)*

In what ways does the use of technology and science aid/hinder the investigation of homicide? *(How?)*

What is the 'relationship' between the use of science and technology and what might be considered 'traditional' detective skills? *(Do they complement each other? How? Why? Do they clash? How? Why?)*

Some of the detectives that I have spoken to to date suggested that the increased use of science and technology in homicide investigations has led to a 'deskilling' of detectives. Would you agree with this? *(If so, in what way have they been 'deskkilled'? If not, why not?)*

8. Change and training

How do you learn to be a detective? *(Would you say it's on the job experience or classroom learning?)*

How was experience and knowledge shared during your career?

What training have you undertaken in regards to homicide investigation? *(What did this entail? How effective was it? How? Why? In what way would you have changed it?)*

9. Change and detective skills

Do you think that there are certain key skills and attributes that you must in order to be an effective detective/SIO? *(What are they? Why these?)*

Do you think that the key skills and attributes required of a detective/SIO have changed over the course of your career? *(How? Why?)*

Tell me about the best/worst detective/SIO you ever worked with and why he or she was so good/bad

Some of the former detectives that I have spoken to have suggested that detectives communication skills are not as good as they were years ago; they say that detectives are not as good at speaking to people today. Would you agree with this? *(If so, why do you think communication skills are not as good today? What impact does this have on an investigation?)*



#### 10. Change and the SIO

In Swindon in 2011, an SIO breached PACE when a murder suspect offered to lead police to the body of another victim. Whilst the second body was recovered, the suspect was not charged with that murder due to the actions of the SIO. The judge accused the SIO of returning to a 1970s style of policing. What do you think about this case? (*What do you think of the judge's comments? Despite his actions, do you think the SIO achieved a successful outcome?*)

SIOs of the 1970s and 1980s have been described by some of the former detectives that I have spoken to as 'the dons' or 'the Gods'. How would you describe SIOs today? (*Why?*)

#### 11. Homicide investigation and the past

When you hear about the way in which homicide investigations were conducted in the 1970s and 1980s what do you think about the practices?

Do you think that there are things that are done today that we will be concerned by in 20 years' time?

Do you think the police today are more risk averse than they might have been 20 years ago? (*Why?*)

- a. Thinking about the changes that have occurred during your career, do you think that ultimately the investigation of homicide is now better than it was before? (*How? Why? Why not?*)

#### 12. Your career

What do you like most/least about being a detective? (*Why?*)

What do you find the most rewarding part of being a detective? (*Why?*)

#### 13. Finally...

Is there anything else that you feel would be useful to this interview that has not already been mentioned?

Would you be able to recommend any other serving or former detectives who might be willing to be interviewed as part of this research?

Would you be able to recommend any other materials/documents that you think might be useful to this research?

## **Appendix Five**

### **Interview Schedule QC**

1. Background

Can you tell me a little bit about your background?

Approximately how many homicides have you been involved with and in what capacity? (*i.e. prosecution, defence, Judge*)

2. Homicide trials

Is a homicide trial different today to how it used to be? (*What are the main similarities/differences?*)

What are the challenges of defending in homicide trials? (*Has this changed? How?*)

What are the challenges of prosecuting in homicide trials? (*Has this changed? How?*)

What are the most common challenges to homicide cases that seem to be watertight? (*i.e. before it was the untaped interview*)

Could you tell me a little bit about Barristers' conferences? (*Purpose? What is involved? Who is involved? Have they become more technical?*)

3. Police investigations

Has the quality of police investigations changed? (*In what way? Why? How does this affect a trial?*)

What do the police do particularly well? (*Has this changed?*)

4. Relationship with the police

Has your relationship with the police changed? (*How? Why? How does this affect a trial?*)

5. The Crown Prosecution Service

The CPS has not come up during the interviews that have been held to date. What is the relationship? (*Has this changed?*)

6. Disclosure

Could you tell me a little bit about disclosure? (*Provision of the defence case statement, volume of work created as a result of defence requests for disclosure of emails, minutes of meetings etc, 'fear' leading to everything being handed over – your view on this?*)

7. Science and technology

Could you tell me a little bit about how advances in science and technology have influenced homicide trials? (*Now there are challenges to SIO decision-making and challenges to the investigative process – your view on this?*)

8. Pushing the boundaries and breaking the law

In Swindon in 2011, an SIO breached PACE when a murder suspect offered to lead police to the body of another victim. Whilst the second body was recovered, the suspect was not charged with that murder due to the actions of the SIO. The Judge accused the SIO of returning to a 1970s style of policing. What is your view of this case? What should the SIO have done?

9. Finally

Is there anything that you feel would be useful to this interview that has not already been mentioned?

Would you be able to recommend any other individuals who it might be helpful for me to speak to who might be willing to be interviewed as part of this research?

## **Appendix Six**

### **Emailed questions to QC**

Dear \*\*\*\*

I am a final year PhD research student at the University of South Wales being supervised by Professors Fiona Brookman and Mike Maguire. My PhD research is exploring how the investigation of homicide in England and Wales has changed since the 1980s and what the impact of change has meant for modern day homicide investigations and detectives. I was given your name by \*\*\*\* who has kindly provided me with some assistance with this research and who thought your input would be helpful. I hope you don't mind me getting in touch.

I have spent 18 months interviewing retired and serving detectives, examining homicide cases files from the last few decades and observing different aspects of investigations and detective training. I would now like to obtain some insight into the way in which homicide trials have changed in this time and would be interested to receive your thoughts on the questions below, if you would be happy to do so?

I understand that you are very busy, so please do feel free to write or bullet point as much or as little as you wish. Confidentiality is of course assured and you will not be identified within the research, as has been the case for all participants within my research. If you are able to include particular examples from cases that you have worked on that would be especially helpful, and these too will be anonymised.

1. When did you first take part in a homicide trial? Is your experience in working on such trials acting for the prosecution, defence or both?
2. In your experience has the quality of homicide investigations changed over time? If so, how?
3. In what ways have the kinds of evidence that are used against homicide suspects changed since the 1980s?
4. What kinds of issues do the police and/or prosecution tend to be challenged on at trial today? How does this differ from your early experiences?
5. Do you think that there are more homicide suspects that plead guilty today? If so, why do you think this is?

6. For those cases that go to trial, are more resulting in a guilty verdict? Why?
7. Overall, do you believe that homicide convictions today are safer than they were in the 1980s? Why?
8. Is there anything else that you would like to add that you feel is pertinent to this topic?

I hope that the information that I have provided here is sufficient and you are happy to respond, but please let me know if you have any questions.

I look forward to hearing from you. Your insights will be invaluable to the research.

Best wishes,

Sophie